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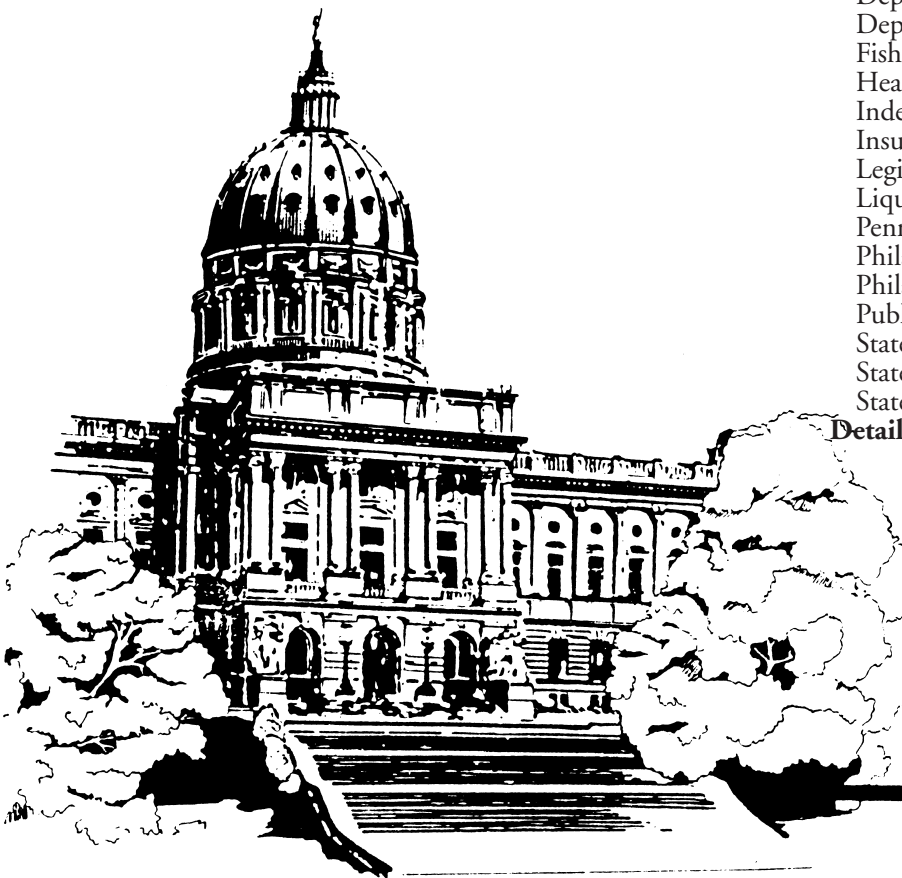
# PENNSYLVANIA BULLETIN

Volume 45  
Saturday, September 19, 2015 • Harrisburg, PA  
Number 38  
Pages 5667—5772

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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 490, September 2015**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND THE PENNSYLVANIA CODE

## *Pennsylvania Bulletin*

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Pennsylvania Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances when the agency may omit the proposal step; it still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania Bulletin* before it can take effect. If the agency

wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, it must repropose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number, a page number and date. Example: Volume 1, *Pennsylvania Bulletin*, page 801, January 9, 1971 (short form: 1 Pa.B. 801 (January 9, 1971)).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa. Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at [www.pacode.com](http://www.pacode.com).

Source Notes give the history of regulations. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

A chronological table of the history of *Pennsylvania Code* sections may be found at [www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde\\_index.cfm](http://www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde_index.cfm).

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred. The *Pennsylvania Bulletin* is available at [www.pabulletin.com](http://www.pabulletin.com).

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### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised. A fiscal note provides the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the 5 succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the 5 succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2015.

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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [ 231 PA. CODE CH. 1915 ]

#### Proposed Amendment of Pa.R.C.P. No. 1915.4-3

The Domestic Relations Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P. No. 1915.4-3 governing non-record proceedings in custody cases, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Bruce J. Ferguson, Counsel  
Domestic Relations Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
P. O. Box 62635  
Harrisburg, PA 17106-2635  
Fax: 717-231-9531  
domesticrules@pacourts.us

All communications in reference to the proposal should be received by November 13, 2015. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Domestic Relations  
Procedural Rules Committee*

DAVID J. SLESNICK, Esq.,  
*Chair*

### Annex A

## TITLE 231. RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### CHAPTER 1915. ACTIONS FOR CUSTODY OF MINOR CHILDREN

#### Rule 1915.4-3. Non-Record Proceedings. Trials.

(a) *Non-Record Proceedings.* In [ **those jurisdictions that utilize** ] **judicial districts utilizing** an initial non-record proceeding, such as a conciliation conference or office conference, if no agreement is reached at the conclusion of the proceeding, the conference officer or conciliator shall promptly notify the court that the matter should be listed for trial. [ **Any** ] **A** lawyer employed by, or under contract with, a judicial district or appointed by the court to serve as a **conference officer or** conciliator

[ **or mediator** ] or to preside over a non-record proceeding shall not practice family law before a conference officer, hearing officer, permanent or standing master, or judge of the same judicial district.

(b) *Trial.* The trial before the court shall be de novo. The court shall hear the case and render a decision within the time periods set forth in [ **Rule** ] **Pa.R.C.P. No. 1915.4.**

### PUBLICATION REPORT

The Domestic Relations Procedural Rules Committee ("Committee") proposes amendment of Pa.R.C.P. No. 1915.4-3 (Non-Record Proceedings. Trial), as the rule relates to the use of attorney-mediators in custody cases. This rule has recently been amended to preclude attorneys serving as conciliators, mediators, or presiding over a non-record custody proceeding from practicing family law before conference officers, hearings officers and judges in the judicial district in which the attorney had been appointed or employed.

When the prior amendment was being considered, the Committee recognized that the judicial districts utilized various terms or titles to identify the person presiding over non-record proceedings. Therefore, "mediator" was added to the rule text to include those judicial districts where the term described the person presiding over non-record proceedings pursuant to Pa.R.C.P. No. 1915.4-3.

After the effective date of the most recent amendment, the Committee received input from members of the judiciary that Pa.R.C.P. No. 1915.4-3 operated to preclude attorneys who serve as mediators pursuant to Chapter 1940 from practicing family. The comments from the judiciary suggested mediators, unlike persons presiding over non-record proceedings, had no contact with the court and did not make recommendations to the court. The comments further contended that court-established mediation programs successfully resolve a significant number of custody cases that would otherwise proceed through an already overburdened custody docket.

The Committee recognizes the benefit that mediation provides to the courts and custody litigants in the amicable resolution of child custody cases. As set forth in Chapter 1940, mediation is a process for alternate dispute resolution of child custody cases; it is not a non-record proceeding as contemplated by Pa.R.C.P. No. 1915.4-3. Therefore, based upon this feedback, the Committee proposes amending the rule to eliminate "mediator" from the rule entirely.

This proposed amendment is not intended to encourage the use of "mediators" in this capacity as a means of circumventing the proscription. Rather, the amendment is intended to eliminate any endorsement that "mediators" serving pursuant to Chapter 1940 should be presiding over a non-record proceeding pursuant to Pa.R.C.P. No. 1915.4-3. The Committee's proposed amendment provides for exclusion from practicing family law in the judicial district based solely on whether the attorney is presiding over the initial non-record proceeding, irrespective of the title held by the attorney in that capacity.

[Pa.B. Doc. No. 15-1681. Filed for public inspection September 18, 2015, 9:00 a.m.]

# Title 249—PHILADELPHIA RULES

## PHILADELPHIA COUNTY

### Administrative Judge Administrative Order; No. 01 of 2015

#### Order

And now, this 27th day of August, 2015, it appearing that the Administrative Orders and General Court Regulations identified in "Attachment A" have been supplanted, or are no longer effective or relevant, in order to avoid confusion and undue reliance on their provisions, *It Is Hereby Ordered and Decreed* that they are no longer in effect, and that as soon as practicable they be removed from the website of the First Judicial District of Pennsylvania and not be published in upcoming editions of the "Philadelphia County Court Rules" published by ALM Media Properties, LLC.:

This Administrative Order is issued in accordance with the April 11, 1986 order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1; and with the March 26, 1996 order of the Supreme Court of Pennsylvania, Eastern District, No. 164 Judicial Administration, Docket No. 1, as amended. This Order shall be filed with the Office of Judicial Records in a docket maintained for Orders issued by the First Judicial District of Pennsylvania, and one certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two certified copies of this Order, and a copy on a computer diskette, shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, shall be published in *The Legal Intelligencer*, and will be posted on the First Judicial District's website at <http://courts.phila.gov>. Copies shall be submitted to American Lawyer Media, the Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania.

*By the Court*

HONORABLE KEVIN M. DOUGHERTY,  
*Administrative Judge, Trial Division*  
*Court of Common Pleas, Philadelphia County*

#### Attachment A

##### General Court Regulations

- 93-3 Procedure for Continuing Compulsory Arbitration Hearings Pursuant to Pa.R.C.P. 216 and Phila.Civ. \*1303.1
- 93-4 Procedure for Entry/Withdrawal of Appearance of Parties and/or Attorneys and for Change of Address for purpose of Giving Notice Pursuant to Pa.R.C.P. 236
- 93-5 Uninsured/Underinsured Savings Action
- 94-3 Mediation Program of Compulsory Arbitration Cases
- 95-1 Day Forward Program: Judicial Team Leader; Trial Division
- 96-1 Procedure for Assignment of Motions for Disposition in Day Backward Cases
- 96-2 Final Day Backward Program: Procedure for Disposition of Major Jury Cases Filed On And After July 5, 1993 And Before January 2, 1995

##### Administrative Orders

- 04 of 1993 Miscellaneous Docket/MC Appeals/Stat Appeals
- 05 of 1994 Procedure for Disposition of Municipal Court Appeals
- 08 of 1994 Day Backward Expert Discovery Cut-Off Dates for Cases Captioned January Term 1992 Through June Term, 1992
- 01 of 1995 Day Backward Expert Discovery and Motion Cut-Off Dates for Cases Captioned July Term, 1992 Through December Term, 1992
- 03 of 1995 Day Backward Discovery, Motion and Expert Discovery Cut-Off Dates for Cases Captioned January Term 1993 Through June Term 1993
- 1 of 1996 In re: Pennsylvania Rule of Civil Procedure No. 227.4(h)
- 04 of 1998 Alternative Procedure for Disposition of Uncontested or By Agreement Discovery Motions
- 06 of 1998 Scheduling Civil Trials Involving State Prisoners
- Notice to Bar In re: Notes of Testimony
- Notice to Bar In re: Arbitration/Arbitration Appeal on Jury Programs
- Notice to Bar Announcement that Dockets available on FJD Website
- 01 of 2001 In re: Appointment of Supervising Judges—Trial Division
- 02 of 2001 In re: Reactivation of Allegheny Hospital Medical Malpractice Cases which had been in Deferred Status
- 04 of 2001 In re: Septa Strike

11 of 2001	Vacated 94-01
02 of 2002	Deferment of PHICO Insurance Company Cases by reason of Order of Liquidation
03 of 2002	Deferment of Legion Insurance Company Cases by Reason of Order of Rehabilitation
04 of 2002	In re: Deferment of Villanova Insurance Company Cases by Reason of Order of Rehabilitation
05 of 2002	In re: Deferment of Legion Indemnity Company Cases by Reason of Order of Rehabilitation
01 of 2003	Deferment of White Hall Insurance Company and Its Insured by Reason of Order of Liquidation
01 of 2007	In re: Appointment of Supervising and Coordinating Judges Trial Division-Civil Section
2008-01	Order Implementing Electronic Filing as provided in Philadelphia Civil Rule *205.4

[Pa.B. Doc. No. 15-1682. Filed for public inspection September 18, 2015, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### HUNTINGDON COUNTY

#### Adoption of Local Central Court Rules: Hunt.Co.R.Crim.P. 106, 117, 131(b), 510, 540 and 543; CP-31-MD-158-2015; AO-5-2015

##### Administrative Order of Court

And Now, this 27th day of August, 2015, Local Central Court Rules, Hunt.Co.R.Crim.P. 106, 117, 131(b), 510, 540, and 543 as follows, are hereby *Adopted* and it is *Ordered* that:

1. The Huntingdon County District Court Administrator shall file one certified copy of each Rule with the Administrative Office of Pennsylvania Courts;

2. The Huntingdon County District Court Administrator shall distribute two certified copies of each Rule and a CD-ROM containing the text of the Rules to the Legislative Reference for publication in the *Pennsylvania Bulletin*.

3. The Huntingdon County District Court Administrator shall publish a copy of each Rule on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

4. The Huntingdon County Prothonotary shall ensure that the Rules are continuously available for public inspection in the office of Prothonotary.

5. These Rules shall become effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

GEORGE N. ZANIC,  
President Judge

#### Hunt.Co.R.Crim.P. 106. Central Court Continuances.

1. Except as provided in subparagraph 2, all continuance requests shall be submitted in writing on the Central Court Continuance form and shall be submitted to the Office of Court Administration. Continuance forms will be made available through the Office of Court Administration.

2. The Court of Common Pleas shall grant or deny all Central Court continuance requests.

3. If a continuance request is granted by the presiding Magisterial District Judge in open Court:

a. The Magisterial District Judge shall (i) inform the Central Court Coordinator of the continuance and (ii)

inform the Central Court Coordinator which party is to be assigned responsibility for requesting the continuance.

b. The Central Court coordinator shall prepare and serve all parties with notice (Rescheduling Notice) of the new hearing date, time and place.

#### Hunt.Co.R.Crim.P. 117. Scheduling Procedures.

A. The scheduling of Central Court proceedings shall be overseen by the District Court Administrator.

B. The Office of Court Administration shall coordinate the scheduling of all cases assigned to Central Court for each Magisterial District Judge.

C. After docketing and processing criminal complaints, the staff of the issuing authority (MDJ Staff) will contact the Court Administrator's office to obtain dates and times for the scheduling of Central Court proceedings.

D. Unless otherwise directed by the President Judge, Preliminary Hearings shall be scheduled and held weekly on Wednesdays in Courtroom No. 1 of the Huntingdon County Courthouse, commencing at 8:45 a.m.

E. Unless otherwise directed by the President Judge, hearings to set bail and to provide defendants an opportunity to waive their preliminary hearings shall be scheduled and held every other week on Wednesdays in Courtroom No. 1 of the Huntingdon County Courthouse, commencing at 12:30 p.m.

F. Central Court is intended to be a forum to make preliminary disposition of criminal cases. It is not to be an informal meeting place to initiate settlement discussions.

1. Prosecuting attorneys and defense attorneys are urged to make contact with each other to discuss their cases prior to Central Court.

2. Magisterial District Judges are directed to conduct Central Court in an orderly and efficient manner.

#### Hunt.Co.R.Crim.P. 131(b). Central Court Overview.

A. Pursuant to Pa.R.Crim.P. 130(6) all proceedings in criminal cases, with the exception of preliminary arraignments, shall be heard in Magisterial District 20-0-00, regardless of the magisterial district in which the offense(s) are alleged to have occurred.

B. Magisterial District Judges will be assigned by the President Judge to preside at Central Court on a rotating basis. A list outlining the rotation will be prepared by the District Court Administrator and approved by the President Judge with an Assignment Order pursuant to Pa.R.Crim.P. 132.

1. Every effort should be made by the Magisterial District Judges to schedule vacation, personal time and other commitments at times when they are not scheduled for Central Court.



2. In the event of illness or other emergencies, a written request to appoint another Magisterial District Judge for Central Court shall be made to the District Court Administrator as soon as possible by hand delivery, fax or email.

C. The Magisterial District Judge in whose magisterial district a criminal case is assigned a criminal docket number and processed for Central Court is hereinafter referred to as the "issuing authority."

D. The District Attorney and/or Assistant District Attorney and a representative from the Public Defender's office shall be present at all sessions of Central Court.

E. The Central Court Coordinator shall be responsible for the day-to-day business of Central Court and shall be present in the courtroom for the processing of cases.

F. The prosecuting police agency shall be responsible for arranging transportation of incarcerated defendants to and from the courthouse for any required appearances in Central Court. In addition, the prosecuting police officer shall remain with the defendant(s) throughout all Central Court proceedings and shall escort the defendant(s) to and from the courtroom from a holding cell.

#### **Hunt.Co.R.Crim.P. 510. Notice of Preliminary Hearing.**

Upon the filing of a criminal complaint at the office of a Magisterial District Judge where there is neither an arrest warrant issued nor a preliminary arraignment conducted, the MDJ Staff shall contact the Office of Court Administration to obtain a date for the defendant to report for a hearing in Central Court.

a. The hearing shall be scheduled for not less than 20 days from the date of the mailing of the summons unless the issuing authority fixes an earlier date upon the request of the defendant or the defendant's attorney with the consent of the affiant.

b. When a hearing date has been obtained by the MDJ Staff, the Magisterial District Judge shall issue an "Order to Appear for Central Court" and a "Hearing Notice" to the defendant.

c. The Order to Appear for Central Court shall be printed on the Magisterial District Judge's letterhead, shall be signed by the Magisterial District Judge and shall have the seal of the Magisterial District Court affixed.

d. A copy of the Order to Appear for Central Court shall be retained in the MDJ case file. MDJ Staff shall date and initial this copy in the "Office Use Only" block as verification that they included the Order to Appear for Central Court with the Complaint and other documents which are mailed to the defendant.

e. The MDJ Staff shall send the defendant, by both certified mail and first class mail, the following:

i. The signed and sealed Order to Appear for Central Court.

ii. The Hearing Notice.

iii. An Informational or Instructions.

iv. The Complaint and Affidavit of Probable Cause.

v. A fingerprint order if applicable.

vi. An application for a public defender.

f. The MDJ Staff shall fax a copy of the criminal complaint, the affidavit of the probable cause and the

Hearing Notice to the Office of Court Administration, the Office of the District Attorney and the Office of the Public Defender.

#### **Hunt.Co.R.Crim.P. 540. Procedure When a Criminal Complaint Is Filed.**

When a criminal complaint is filed with a Magisterial District Judge, the case will be scheduled for Central Court as follows:

For a case in which the defendant was either (i) arrested by a warrant and given a preliminary arraignment before a Magisterial District Judge, or (ii) arrested on-site by police officers and brought before a Magisterial District Judge for a preliminary arraignment: The Magisterial District Judge will schedule a preliminary hearing in Central Court pursuant to Pa. Rule of Criminal Procedure 540(G)(1), i.e., the Magisterial District Judge shall "... fix a day and hour for a preliminary hearing which shall not be later than 14 days after the preliminary arraignment if the defendant is in custody and no later than 21 days if not in custody unless: (a) extended for cause shown; or (b) the issuing authority fixes an earlier date upon request of the defendant or defense counsel with the consent of the complainant and the attorney for the Commonwealth. . . ."

A. At the preliminary arraignment the defendant shall be provided with a Notice of Preliminary Arraignment, a Notice of Preliminary Hearing, a Public Defender Application and a copy of the complaint and affidavit of probable cause.

B. At the preliminary arraignment the police officer (affiant) shall be given a Notice of Preliminary Hearing.

C. The MDJ Staff shall fax a copy of the criminal complaint, the affidavit of probable cause, the Preliminary Hearing Notice and Commitment (if the defendant is incarcerated) to the Office of Court Administration, the Office of the District Attorney and the Office of the Public Defender.

#### **Hunt.Co.R.Crim.P. 543. Procedure at Central Court.**

A. The Office of Court Administration shall process all waivers of preliminary hearings and bail bonds in Central Court. Subsequently, the docket transcript, criminal complaint and other pertinent documents shall be forwarded to the Clerk of Courts for filing after disposition in Central Court.

B. In the event that the prosecution agrees to settle a case by withdrawing all felony and misdemeanor charges and allowing the defendant to plead guilty to a summary offense, the presiding Magisterial District Judge shall approve or disapprove the settlement in Central Court, subject to the terms set forth below in this paragraph.

1. If approved, the presiding Magisterial District Judge shall inform the defendant of the conditions set forth in subsection (2) below and instruct the defendant that he/she must comply with all of the settlement terms or the settlement will be automatically void with no further notice given, in which event the Central Court Administrator shall forthwith schedule or reschedule a preliminary hearing for the defendant.

2. The terms of settlement shall be that (i) the defendant pay a fine, plus the costs of prosecution and any restitution at the office of the issuing authority not later than 3:45 p.m. of the same day, and (ii) payment must be made in full with cash, certified check or money order only.

3. Following approval of the settlement in Central Court, the Central Court Administrator shall promptly notify the MDJ Staff at the office of the issuing authority of the settlement.

4. If the defendant appears at the office of the issuing authority by 3:45 p.m. and pays the fine, costs and restitution in full, as required, the MDJ Staff at the office of the issuing authority shall enter the disposition, accept payment and notify the Central Court Administrator of full compliance with the terms of settlement.

5. If the defendant fails to appear at the office of the issuing authority by 3:45 p.m., or if the defendant fails to pay the fine, costs and restitution in full as required, the MDJ Staff at the office of the issuing authority shall notify the Central Court Coordinator, whereupon the Central Court Coordinator shall promptly schedule or reschedule a preliminary hearing for that defendant.

6. In any case in which the defendant fails to appear for the preliminary hearing, if the issuing authority finds the defendant did not receive notice of the preliminary hearing by a summons served pursuant to Rule 511, a warrant of arrest shall be issued pursuant to Rule 509(2)(d).

a. If the issuing authority finds that there was cause explaining the defendant's failure to appear, the issuing authority shall continue the preliminary hearing to a

specific date and time, giving notice of the new date, time, and place as provided in Rule 542(G)(2). In this scenario, the issuing authority shall not issue a bench warrant.

b. If the issuing authority finds the defendant was absent without cause but received notice, the absence shall be deemed a waiver by the defendant of the right to be present at any further proceedings before the issuing authority. In cases such as these, the issuing authority shall proceed with the case in the same manner as if the defendant was present. Following such cases, the issuing authority shall give the defendant notice by first class mail of the results of the preliminary hearing.

7. When the most serious offense charged against a defendant is a misdemeanor, the issuing authority, pursuant to Pa.R.Crim.P. 546, may dismiss the case upon a showing that (i) the public interest will not be adversely affected; (ii) the attorney for the Commonwealth, or in cases in which there is no attorney for the Commonwealth present, the affiant, consents to the dismissal; (iii) satisfaction has been made to the aggrieved person or there is an agreement that satisfaction will be made to the aggrieved person; and (iv) there is an agreement as to who shall pay the costs.

[Pa.B. Doc. No. 15-1683. Filed for public inspection September 18, 2015, 9:00 a.m.]



# RULES AND REGULATIONS

## Title 40—LIQUOR

### LIQUOR CONTROL BOARD

#### [ 40 PA. CODE CH. 3 ]

#### Economic Development Licenses

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P.S. § 2-207(i)), amends § 3.105 (relating to quarterly filing of applications and application hearings) to read as set forth in Annex A.

#### Summary

Generally speaking, the Liquor Code limits the number of restaurant liquor and eating place retail dispenser licenses the Board may issue in a county. See section 461 of the Liquor Code (47 P.S. § 4-461). This is known as the quota law. There are several exceptions to the quota law, one of which allows the Board to issue an economic development restaurant (EDR) liquor license or an economic development eating (EDE) place retail dispenser license, even if the quota for the county is full. However, the applicant must satisfy certain conditions to receive an EDR or EDE license, including proof that the applicant has “exhausted reasonable means for obtaining a suitable license within the county” under section 461(b.1)(1) of the Liquor Code. This information must be presented at an administrative hearing under the regulation in § 3.105. The regulations formerly did not provide guidelines as to what was meant by “exhausted reasonable means.” As a result, applicants were unsure as to what evidence they are expected to produce. This final-form rulemaking amends § 3.105 to provide specific criteria for an applicant to show that it has met that condition.

To apply for an EDR or EDE license, the proposed licensed premises must be located in a Keystone Opportunity Zone, an area designated as an enterprise zone by the Department of Community and Economic Development, or a municipality in which, after a public hearing, the governing body of the municipality has approved the issuance of the license by ordinance or resolution. See section 461(b.1)(2) of the Liquor Code. Because of these restrictions, it is unknown how many potential future applicants may benefit from this final-form rulemaking. As of April 2, 2015, the Board has approved the issuance of 26 EDR licenses and 1 EDE license since it was first authorized to do so in 2002.

#### Affected Parties

The affected parties include future applicants for EDR and EDE licenses. The final-form rulemaking will provide clarity as to what is expected of the applicant before it applies for an EDR or EDE license.

#### Paperwork Requirements

The final-form rulemaking seeks to clarify what is expected of an applicant for an EDR or EDE license. The applicant typically testifies at an administrative hearing as to what efforts it made to obtain an already existing license. The applicant may wish to take notes as to its efforts to help establish that it has “exhausted reasonable means.” However, the final-form rulemaking would not require additional paperwork to be filed.

#### Fiscal Impact

There is no anticipated fiscal impact with the final-form rulemaking. The final-form rulemaking is offered to provide clarity to applicants for an EDR or EDE license.

#### Effective Date

This final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

#### Contact Person

Comments should be addressed to Rodrigo J. Diaz, Executive Deputy Chief Counsel, or Norina Blynn, Assistant Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

#### Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on November 5, 2014, the Board submitted a copy of the notice of proposed rulemaking, published at 44 Pa.B. 7559 (December 6, 2014), to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Liquor Control Committee and Senate Committee on Law and Justice for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the House and Senate Committees and the public. The Board received comments from IRRC, the response to which is in a separate comment and response document. IRRC received a comment from the Pennsylvania State Association of Township Supervisors. The Board's response to this comment is in a separate comment and response document.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on May 27, 2015, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 28, 2015, and approved the final-form rulemaking.

#### Findings

The Board finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The amendments to the Board's regulations in the manner provided in this order are necessary and appropriate for the administration of the Liquor Code.

(3) The revisions that were made to this final-form rulemaking do not enlarge the purpose of the proposed rulemaking published at 44 Pa.B. 7559.

#### Order

The Board, acting under the authorizing statute, orders that:

(a) The regulations of the Board, 40 Pa. Code Chapter 3, are amended by amending § 3.105 to read as set forth in Annex A.

(b) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon publication in the *Pennsylvania Bulletin*.

TIM HOLDEN,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 45 Pa.B. 2961 (June 13, 2015).)*

**Fiscal Note:** Fiscal Note 54-81 remains valid for the final adoption of the subject regulation.

#### **Annex A**

### **TITLE 40. LIQUOR**

#### **PART I. LIQUOR CONTROL BOARD**

#### **CHAPTER 3. LICENSE APPLICATIONS**

##### **Subchapter K. ECONOMIC DEVELOPMENT LICENSES**

##### **§ 3.105. Quarterly filing of applications and application hearings.**

(a) Issuance of economic development licenses is limited to two licenses per calendar year in counties of the first through fourth class and one license per calendar year in counties of the fifth through eighth class.

(b) Quarterly filing periods are established for all counties as follows:

1st Quarter—January 1 through March 31

2nd Quarter—April 1 through June 30

3rd Quarter—July 1 through September 30

4th Quarter—October 1 through December 31

(c) At the end of the first quarter, every properly filed license application in a county will be subject to an administrative hearing before a Board hearing examiner in accordance with section 464 of the Liquor Code (47 P. S. § 4-464). Second quarter applications will be held in abeyance until after hearings are held for first quarter applications and a determination is made by the Board as to the availability of a license within the county.

(d) If a vacancy continues to exist in a county after hearings are held and a determination has been made by the Board, properly filed applications for the next quarter will be scheduled for hearings.

(e) In addition to any objections to, or support of, an application for the issuance of a license, an applicant shall provide evidence at the administrative hearing that it has exhausted reasonable means to find a suitable license within the existing county quota law. Evidence includes the following:

(1) Evidence that the applicant, or the applicant's agent, made contact with existing restaurant liquor licensees, if a restaurant liquor economic development license is sought, or existing eating place retail dispenser licensees, if an eating place retail dispenser economic development license is sought, in the county.

(i) The purpose of the contact is to inquire as to the availability of the licensee's license for purchase.

(ii) In counties of the first through fourth class, the number of licensees contacted by the applicant, or the applicant's agent, must be equal to or greater than 50% of the existing restaurant liquor or eating place retail dispenser licensees in the county.

(iii) In counties of the fifth through eighth class, the number of licensees contacted by the applicant, or the applicant's agent, must be equal to or greater than 75% of the existing restaurant liquor or eating place retail dispenser licensees in the county.

(2) Evidence that the applicant, or the applicant's agent, has offered to purchase a restaurant liquor or eating place retail dispenser licenses in the county that are in safekeeping at the time the application is filed with the Board, including the offered and requested amounts.

(3) An explanation as to why it is not economically feasible for the applicant business to pay the amount requested for an existing restaurant liquor or eating place retail dispenser license. The applicant shall provide evidence of the following factors:

(i) The applicant's capital and financial resources.

(ii) The applicant's projected revenue and expenses for its business, as well as actual revenue and expenses if the business is currently in operation.

(iii) Other factors the applicant considered when deciding that obtaining a liquor license in the marketplace was not economically feasible.

(4) A written estimation, with supporting documentation, of the expected economic benefits to the municipality if the application is granted.

(f) If the applicant, or any of the applicant's stockholders, directors, officers or members, owns, in whole or in part, a restaurant liquor or eating place retail dispenser license which is in safekeeping with the Board, the Board will refuse the application. This only applies if the license in safekeeping is in the same county as the license applied for.

(g) Upon approval of an application, the applicant will receive a provisional license for 120 days, exclusive of periods of safekeeping.

(h) In the event of an appeal from the Board's decision regarding the issuance or renewal of an economic development license, the appeal will act as a supersedeas and will preclude the processing of additional applications for vacancies in that county.

[Pa.B. Doc. No. 15-1684. Filed for public inspection September 18, 2015, 9:00 a.m.]

## **Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS**

### **STATE BOARD OF MEDICINE**

#### **[ 49 PA. CODE CHS. 16 AND 18 ]**

#### **Prosthetists, Orthotists, Pedorthists and Orthotic Fitters; Advance Notice of Final Rulemaking**

The State Board of Medicine (Board) is publishing an advance notice of final rulemaking (ANFR) regarding the licensure and regulation of prosthetists, orthotists, pedorthists and orthotic fitters. The proposed rulemaking was published at 44 Pa.B. 4364 (July 12, 2014).

#### *Statutory Authority*

The act of July 5, 2012 (P. L. 873, No. 90) (Act 90) amended the Medical Practice Act of 1985 (act) (63 P. S.

§§ 422.1—422.51a). Act 90 authorized the Board to promulgate regulations as necessary to regulate the practice of these professionals.

*Background and Summary*

The Board published the proposed rulemaking at 44 Pa.B. 4364, with a 30-day public comment period. The Board received comments from the Pennsylvania Orthotic and Prosthetic Society, Sofia Tamarkin, Senator Mike Stack, Ashley Nicoletti, Irina Rabovetiky, the Board of Certification, the American Board of Certification, R.J. Hedges & Associates, the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment.

Following delivery of the proposed rulemaking, the act was amended by the act of July 2, 2014 (P. L. 941, No. 104) (Act 104), which altered the qualifications for initial licensure without examination. At a meeting with industry representatives and representatives from the HPLC and the SCP/PLC, it was agreed that the Board could conform its rulemaking to Act 104 without republishing the proposed rulemaking. It was further agreed that the Board would give commenters and the public an opportunity to comment on the amendments made to conform the rulemaking to Act 104.

This ANFR assures that the public has a full opportunity to comment on the amendments to the rulemaking.

*Contact Person, Availability of Draft Final Regulations and Submission of Comments*

The Board will accept written comments as well as comments transmitted by means of e-mail on the draft final rulemaking for the licensure and regulation of prosthetists, orthotists, pedorthists and orthotic fitters. Comments must be limited to the amendments to conform the rulemaking to Act 104. Comments will not be accepted by facsimile, telephone or voice mail. Comments sent by means of e-mail must include “16A-4943—Pedorthists, Orthotists, Pedorthists and Orthotic Fitters” in the subject heading. E-mail and written comments must include the commentator’s name and address. Written comments must be received by the Board on or before October 19, 2015. To request a copy of the draft final rulemaking or to provide a comment, contact Teresa Lazo, Esq., Board Counsel, State Board of Medicine, P. O. Box 69523, Harrisburg, PA 17106-9523, tlazo@pa.gov.

ANDREW J. BEHNKE, MD,  
*Chairperson*

[Pa.B. Doc. No. 15-1685. Filed for public inspection September 18, 2015, 9:00 a.m.]

# PROPOSED RULEMAKING

## PHILADELPHIA PARKING AUTHORITY

[ 52 PA. CODE CH. 1017 ]

### Safety Camera Requirements

The Philadelphia Parking Authority (Authority), on June 25, 2015, adopted a proposed rulemaking order regarding taxicab safety cameras.

*Proposed Rulemaking Order; Philadelphia Taxicab and Taxicab Safety Cameras; Doc. No. 126-12*

### Proposed Rulemaking Order

*By the Authority:*

The Authority is the sole regulator<sup>1</sup> of all taxicab and limousine service in Philadelphia.<sup>2</sup> The purpose of the proposed rulemaking is to revise the current taxicab safety camera regulation to assure more rapid compliance.

#### A. Background and discussion.

As provided in Section 1017.71, safety cameras were to begin appearing in taxicabs in Philadelphia earlier this year. The most challenging part of the implementation of the safety camera regulation has been related to the transmission of images from the taxicab to the Authority and dispatcher. The regulation provides that the images will only be transmitted upon the activation of the panic button already in the taxicab. However, the need to maintain a separate data plan, the technical capacity of vendors and the assertion of specious constitutional violations have slowed the advance of this vital program. The Authority has received repeated requests for delays and modifications of the camera system from medallion owners, taxicab drivers and dispatchers, primarily focused on the image transmission requirement.

Therefore, the Authority seeks to amend the safety camera regulation to remove the transmission requirement. We believe it is crucial to begin this safety program by having safety cameras installed in taxicabs as soon as possible. The elimination of the image transmission requirement will remove the most significant barrier to the prompt installation of safety cameras. We will continue to review the safety camera system for advances in the future, including the potential re-introduction of a transmission requirement, through regulation.

#### B. The regulation.

We propose amending the below referenced section as follows:

§ 1017.74. Safety camera requirements.

The proposed regulation will amend Section 1017.74 by deleting subsection (h) to eliminate the requirement that the safety cameras transmit images to the taxicab's dispatcher and the Authority in the event the taxicab's distress button is depressed for the previously referenced reasons.

#### Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 6, 2015, the Authority submit-

<sup>1</sup> The act of July 16, 2004, (P. L. 758, No. 94), 53 Pa.C.S. §§ 5701 et seq., as amended, (the "act")

<sup>2</sup> The Authority may promulgate taxicab and limousine regulations. 53 Pa.C.S. §§ 5722 and 5742.

ted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Urban Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Authority provided IRRC and will provide the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Authority, the General Assembly and the Governor of comments, recommendations or objections raised.

#### Conclusion

The Authority, therefore, formally commences its rule-making process to promulgate this regulation to become part of 52 Pa. Code Part II in a manner consistent with Annex A to this Order. The Authority seeks comments from all interested parties on this proposed body of regulations, which are found at Annex A to this Order. The Authority hereby advises that all comments submitted in response to this Order will be posted, without redaction of name, address, or other personal information or comment provided, on the website of the Independent Regulatory Review Commission, which may be reached at (717) 783-5417.

Accordingly, under sections 13 and 17 of the act (53 Pa.C.S. §§ 5722 and 5742); section 5505(d)(17), (23) and (24) of the Parking Authorities Act (act of June 19, 2001) (P. L. 287, No. 22) (53 Pa.C.S. § 5505(d)(17), (23) and (24)); sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732.204(b)); section 745.5 of the Regulatory Review Act (71 P. S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P. S. § 232) and the regulations promulgated at 4 Pa. Code §§ 7.231—7.234, the Authority proposes adoption of the regulations set forth in Annex A;

*Therefore,*

*It Is Ordered That:*

1. A proposed rulemaking be opened to consider the regulation set forth in Annex A.
2. The Executive Director shall submit this proposed rulemaking Order and Annex A to the Office of Attorney General for review as to form and legality.
3. The Executive Director shall submit this proposed rulemaking Order and Annex A for review and comments to the Independent Regulatory Review Commission and the Legislative Standing Committees.
4. The Executive Director shall do all such other things necessary to advance this regulation through the appropriate promulgations process in an expeditious manner.
5. The Secretary of the Board shall certify this proposed rulemaking Order and Annex A and that the



Executive Director shall deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

6. An original and 15 copies of any written comments referencing the docket number of the proposed regulation be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Philadelphia Parking Authority, Attn: General Counsel, 701 Market Street, Suite 5400, Philadelphia, PA 19106.

7. A copy of this proposed rulemaking Order and Annex A shall be served on the City of the First Class Taxicab and Limousine Advisory Committee and a copy shall be posted on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

8. The contact person for this proposed rulemaking is James R. Ney, Director, Taxicab and Limousine Division, (215) 683-9417.

VINCENT J. FENERTY, Jr.,  
*Executive Director*

**Fiscal Note:** 126-12. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 52. PUBLIC UTILITIES**

**PART II. PHILADELPHIA PARKING AUTHORITY**

**Subpart B. TAXICABS**

**CHAPTER 1017. VEHICLE AND EQUIPMENT REQUIREMENTS**

**Subchapter G. SAFETY CAMERAS**

**§ 1017.74. Safety camera requirements.**

\* \* \* \* \*

(g) The safety camera system must record and store images in a unit separate from any camera. The recording and storage unit must be concealed from view and fastened securely to the vehicle.

**[ (h) In the event that a driver presses the distress button required under § 1017.24(d)(8) (relating to meter activation and display), the safety camera system must immediately transmit all images to the taxicab's dispatcher, in addition to transmission to TLD Headquarters. ]**

[Pa.B. Doc. No. 15-1686. Filed for public inspection September 18, 2015, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Addendum to the Order of Quarantine; Spotted Lanternfly

#### Recitals

A. Spotted lanternfly, *Lycorma delicatula*, is a new pest to the United States and has been detected in the Commonwealth. This is a dangerous insect to forests, ornamental trees, orchards and grapes and not widely prevalent or distributed within or throughout the Commonwealth or the United States. Spotted lanternfly has been detected in the Commonwealth and has the potential to spread to uninfested areas by natural means or through the movement of infested articles.

B. The Plant Pest Act (Act) (3 P.S. §§ 258.1—258.27) empowers The Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests. A plant pest is defined as an organism, including other plants, causing or capable of causing injury or damage to plants or plant products (3 P.S. § 258.2). These powers include the authority, set forth at section 258.21 of the Act (3 P.S. § 258.21), to establish quarantines to prevent the spread of plant pests within this Commonwealth.

C. Under the authority of section 258.20 of the Act (3 P.S. § 258.20) the Department may declare a pest to be a public nuisance when the Department determines a plant pest to be dangerous or destructive to the agriculture, horticulture or forests of this Commonwealth. For the reasons set forth in Paragraph A above, the Department declares Spotted lanternfly, *Lycorma delicatula*, to be a public nuisance.

D. Consistent with the Order of Quarantine published at 44 Pa.B. 6947 issued Saturday, November 1, 2014, where the Department detects or confirms any of the plant pests established in this Order of Quarantine—Spotted lanternfly, *Lycorma delicatula*—the place or area in which any of these plant pests are detected or con-

firmed shall be subject to the provisions of that Order of Quarantine published at 44 Pa.B. 6947 issued Saturday, November 1, 2014.

E. The place or area in which the plant pest is detected or confirmed shall be added to the Order of Quarantine, published at 44 Pa.B. 6947 issued Saturday, November 1, 2014, through an addendum delineating the specific location and geographic parameters of the area or place. Such Addendum shall be published in the *Pennsylvania Bulletin* and enforcement of the Addendum to the Order of Quarantine, published at 44 Pa.B. 6947 issued Saturday, November 1, 2014, with regard to that place or area shall become effective immediately.

#### Order

Under authority of section 21 of the act (3 P.S. § 258.21), and with the Recitals previously listed incorporated into and made a part hereof this Addendum to the Order of Quarantine published at 44 Pa.B. 6947 issued Saturday, November 1, 2014 by reference, the Department orders the following:

#### 1. Establishment of Quarantine.

A quarantine is hereby established with respect to Longswamp Township including the borough of Topton, Berks County. This is in addition to, and does not replace, any townships and areas already subject to the Spotted Lanternfly Quarantine Order published at 44 Pa.B. 6947 issued Saturday, November 1, 2014, and any previous Addendums to that Quarantine Order.

#### 2. All Provisions Apply.

All of the provisions established in the Spotted Lanternfly Quarantine Order published at 44 Pa.B. 6947 issued Saturday, November 1, 2014, are hereby incorporated herein and made a part hereof this Addendum as if fully set forth herein and shall hereby be made applicable to Longswamp Township including the borough of Topton, Berks County.

RUSSELL C. REDDING,  
Secretary

[Pa.B. Doc. No. 15-1687. Filed for public inspection September 18, 2015, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P.L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P.L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending September 8, 2015.

Under section 503.E of the Department of Banking and Securities Code (71 P.S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking and Securities, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

**BANKING INSTITUTIONS**  
**Holding Company Acquisitions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-1-2015	ESSA Bancorp, Inc. Stroudsburg Monroe County	Filed
Application for approval to acquire 100% of Eagle National Bancorp, Inc., Upper Darby, and thereby indirectly acquire 100% of Eagle National Bank, Upper Darby.		

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-1-2015	ESSA Bank & Trust Stroudsburg Monroe County	Filed
Application for approval to merge Eagle National Bank, Upper Darby, with and into ESSA Bank & Trust, Stroudsburg.		
9-2-2015	Royal Bank America Narberth Montgomery County	Withdrawn
Application for approval to purchase assets and assume liabilities of one branch of First Cornerstone Bank, King of Prussia, located at: 2 West Baltimore Avenue Media Delaware County		
No. 5597		

**Branch Applications**  
**De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-20-2014	Beneficial Bank Philadelphia Philadelphia County	34 South Sycamore Street Newtown Bucks County	Opened
8-31-2015	Univest Bank and Trust Company Souderton Montgomery County	250 Plaza Drive Collegeville Montgomery County	Opened

**CREDIT UNIONS**

No activity.

The Department's web site at [www.dobs.pa.gov](http://www.dobs.pa.gov) includes public notices for more recently filed applications.

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 15-1688. Filed for public inspection September 18, 2015, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of October 2015**

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of October, 2015, is 5%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such

individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 2.53 to which was added 2.50 percentage points for a total of 5.03 that by law is rounded off to the nearest quarter at 5%.

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 15-1689. Filed for public inspection September 18, 2015, 9:00 a.m.]



# DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

## Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, September 23, 2015, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Questions concerning this meeting or agenda items can be directed to Gretchen Leslie at (717) 787-9293. Persons who wish to participate during the public comment section are encouraged to submit their comments in writing to Gretchen Leslie, Advisor, Conservation and Natural Resources Advisory Council, 400 Market Street, Harrisburg, PA 17101.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Danna Koren directly at (717) 783-5878 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 15-1690. Filed for public inspection September 18, 2015, 9:00 a.m.]

## Notice of an Interim Final Policy for the Imposition of Fees for PNDI Receipts Generated Through the PA Conservation Explorer

The Department of Conservation and Natural Resources is announcing an interim final Policy for the Imposition of Fees for PNDI Receipts Generated Through the PA Conservation Explorer. It reads as follows:

**Title:** Policy for the Imposition of Fees for PNDI Receipts Generated Through the PA Conservation Explorer

**Authority:** The Conservation and Natural Resources Act (CNRA) (71 P. S. §§ 1340.101—1340.1103) (Section 305)

**Policy:** The Department of Conservation and Natural Resources (DCNR) will impose a \$40 fee on users who receive Pennsylvania Natural Diversity Inventory (PNDI) Receipts generated through the new Pennsylvania Conservation Explorer and use those fees solely to support the administration of the PA Conservation Explorer. The modest fee would help to offset the costs associated with the maintenance, support and administration of the PNDI review process, which is a function within the PA Conservation Explorer, as non-dedicated funds continue to decline.

### *Purpose:*

This guidance implements Section 305 of the CNRA—Ecological and geologic resources—which grants DCNR authority to inventory and survey the ecological resources of the Commonwealth and make the resulting information available in a form convenient for reference.

### *Applicability:*

This guidance applies only to users who receive a final PNDI Receipt through the PA Conservation Explorer and who are not otherwise exempt from the fee (see exemptions section below). Users without access to a computer who submit a project directly to each of the four jurisdictional agencies (DNCR, PA Game Commission, PA Fish and Boat Commission and U.S. Fish and Wildlife Service) for a PNDI review or users who use only the conservation planning aspects of the PA Conservation Explorer will not be charged a fee.

### *Disclaimer:*

The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of DCNR to give the rules in these policies that weight or deference. This document establishes the framework within which DCNR will exercise its administrative discretion in the future. DCNR reserves the discretion to deviate from this policy statement if circumstances warrant.

### *Page Length:*

1 page

### *Effective Date:*

Two months from the date of publication—November 18, 2015

### *Background*

Section 305, Ecologic and geologic resources, of the Conservation and Natural Resources Act (CNRA), 71 P. S. § 1340.305, provides DCNR with the power and duty to inventory and survey the ecologic resources of the Commonwealth, and make them available in a form convenient for reference. The Department of Conservation and Natural Resources (DCNR) performs this work through its Pennsylvania Natural Heritage Program (PNHP) and makes the data available through its current PNDI Tool.

The current PNDI Tool is an online, interactive database housed and managed by DCNR that provides locational and biological information on threatened, endangered, and special concern species and resources in Pennsylvania. The PNDI Tool is generally used by the public to screen development or conservation planning projects for potential impacts to these species and resources prior to applying for a permit from the Pennsylvania Department of Environmental Protection or prior to obtaining state or federal grants.

Access to PNDI information has been free-of-charge since the program's inception in 1982, and access to the online PNDI Tool has been free-of-charge since it was developed in 2005. However, in recent years, costs for the PNHP have increased, while funding has decreased, requiring DCNR to trim program staff (including staff working on the PNDI Tool). The program currently has no dedicated funding stream.

*PA Conservation Explorer: PA's Conservation Planning and Environmental Review Tool*

DCNR is developing a new tool to replace the current PNDI Tool. The new tool, called the PA Conservation Explorer, will include both a conservation planning and PNDI environmental review component—which will provide greater access to information, leading to better planning and reduced project impacts. This new tool will include visible conservation information to support project planning as well as an environmental review function where users can obtain their PNDI Receipts. These two tools in one will provide greater efficiency and certainty for both industry and conservation.

Several other states provide species habitat information similar to Pennsylvania—but each state is unique in how it provides and presents species information and how it charges a fee to access to that information. The costs charged by other states range from \$30 per project site to \$6,000 per year to access visible species habitat statewide.

DCNR's goal is to provide visible conservation and species habitat information to encourage planning, while, at the same time, allowing users to view sensitive ecological areas within the Commonwealth. The fee will be applied only when a PNDI Receipt is obtained through the PA Conservation Explorer. The PNDI Receipt will list

species names and conservation measures (where applicable), which the user may need for permitting or funding requirements.

PNDI reviews can still be obtained free-of-charge for users without access to a computer using the standard process of requesting project review directly from the jurisdictional agencies—DCNR, PA Game Commission, PA Fish and Boat Commission and the U.S. Fish and Wildlife Service instead of generating a PNDI receipt instantly through the PA Conservation Explorer.

*Exemptions*

Federal, state and local government agencies that are performing a governmental function in the normal course of business, including but not limited to permitting, planning, grants or land management, are exempt from the fee.

DCNR will hold a comment period ending 30 days from the date of publication, or October 19, 2015.

Questions regarding the policy should be directed to DCNR Bureau of Forestry's Natural Heritage Section at [RA-HeritageReview@pa.gov](mailto:RA-HeritageReview@pa.gov).

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 15-1691. Filed for public inspection September 18, 2015, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

## I. NPDES Renewal Applications

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0247731—IW	DS Services of America, Inc. 1761 Newport Road Ephrata, PA 17522	Lancaster County/ West Earl Township	Cocalico Creek/7-J	Y
PA0053091—IW	Georgio Foods, Inc. (Blandon Facility) PO Box 96 1161 Park Road Temple, PA 19560	Berks County/ Maidencreek Township	Willow Creek/3-B	Y
PA0007552—IW	Empire Kosher Poultry, Inc. 247 Empire Drive Mifflintown, PA 17059-1203	Juniata County/ Walker Township	Juniata River/12-A	Y
PA0082244—IW	Susquehanna Area Regional Airport Authority (Harrisburg International Airport) One Terminal Drive, Suite 300 Middletown, PA 17057	Dauphin County/ Lower Swatara Township	Susquehanna River/7-C	Y
PA0088323—IW	Ontelaunee Power Operating Company, LLC 5115 Pottsville Pike Reading, PA 19605-9729	Berks County/ Ontelaunee Township	Schuylkill River/3-B	Y

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0039225 (Sewage)	Reno Village STP Reno Village STP Route 8 Reno, PA 16343	Venango County Sugarcreek Borough	Allegheny River (16-E)	Y
PA0104370 (Industrial Waste)	Quality Components 103 Bridge Street Ridgway, PA 15853	Elk County Ridgway Township	Un-named tributary of Elk Creek and Elk Creek (17-A)	Y

## II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

**PA0024716**, Sewage, SIC Code 4952, **Borough of Freeland Municipal Authority**, 711 Birkbeck Street, Freeland, PA 18224. Facility Name: Borough of Freeland Municipal Authority WWTP. This existing facility is located in Foster Township, **Luzerne County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Pond Creek, is located in State Water Plan watershed 02A and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.2 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	250	400	XXX	25	40	50
		Wkly Avg			Wkly Avg	
BOD <sub>5</sub>						
Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	300	450	XXX	30	45	60
		Wkly Avg			Wkly Avg	
Total Dissolved Solids	10,000	XXX	XXX	1,000	XXX	2,000
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Nitrite-Nitrate as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	200	XXX	XXX	20	XXX	40
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Copper	Report	Report	XXX	Report	Report	XXX
Total Residual Chlorine	XXX	XXX	XXX	XXX	XXX	1.6
Bis(2-Ethylhexyl)Phthalate	Report	Report	XXX	Report	Report	XXX

In addition, the permit contains the following major special conditions:

- Solids Management
- Combined Sewer Overflows
- Whole Effluent Toxicity Testing
- POTW Pretreatment Program Development and Implementation

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is not in effect.

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*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**Application No. PA0266060**, Concentrated Animal Feeding Operation (CAFO), **Wentzel, Timothy M (Quint T Egg Farm CAFO)**, 3819 Powells Valley Road, Halifax, PA 17032-9629.

Timothy M Wentzel has submitted an application for an Individual NPDES permit for a new CAFO known as Quint T Egg Farm CAFO, located in Jefferson Township, **Dauphin County**.

The CAFO is situated near Unnamed Tributary to North Fork Powell Creek in Watershed 6-C, which is classified for Cold Water Fishes and Migratory Fishes. The CAFO will be designed to maintain an animal population of approximately 439 animal equivalent units (AEUs) consisting of 141,000 Poultry (Layers) and 20 Cattle. All manure is handled as solid. Poultry litter is stored in the barn and in a new storage shed. The cattle manure will be stacked on a pad next to the barnyard. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.



### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900*

**WQM Permit No. 4615407**, Industrial Waste, **Pennsylvania American Water Company**, 800 W. Hershey Park Drive, Hershey, PA 19033.

This proposed facility is located in Norristown Borough, **Montgomery County**.

Description of Action/Activity: Installation of a new pipeline to existing outfall to discharge supernatant from wastewater clarifiers to the Schuylkill River.

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**WQM Permit No. 6799201, Amendment No. 1**, Industrial Waste, **S.C. Holdings, Inc.**, 100 Brandywine Boulevard, Suite 300, Newtown, PA 18940.

This proposed facility is located in Dover Township, **York County**.

Description of Proposed Action/Activity: Seeking permit approval for modifications at Harmony Grove Landfill; including removal and replacement of two (2) existing sand filters with duplex bag filters and a new sand filter, replacement of permitted air stripper system with an alternate air stripper, removal of two (2) vapor phase carbon units, and hypochlorite addition to prevent fouling in conveyance lines.

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Dr., Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

**WQM Permit No. 021502**, Sewage, **Glen Osborne Borough, Allegheny County**, Po Box 97, Sewickley, PA 15143.

This proposed facility is located in Glen Osborne Borough, **Allegheny County**.

Description of Proposed Action/Activity: construct sanitary sewage pump station.

**WQM Permit No. 0201402 A-1**, Sewage, **W Mifflin Sanitary Sewer Municipal Authority**, 1302 Lower Bull Run Rd, West Mifflin, PA 15122-2902.

This existing facility is located in West Mifflin Borough, **Allegheny County**.

Description of Proposed Action/Activity: removal existing chlorine system and replace with a UV system.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**WQM Permit No. 2515413**, Sewage, **Gary Slagle**, 76 East Division Road, North East, PA 16428.

This proposed facility is located in North East Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

### VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Lehigh County Conservation District, Lehigh Ag Center, Suite 102, 4184 Dorney Park Rd., Allentown, PA 18104*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water / Use
PAI023915016	Joe Posh Posh Properties 2216 Willow Park Rd. Bethlehem, PA 18020	Lehigh	City of Allentown	Cedar Creek (HQ-CWF, MF)
PAI023915012	Jason Danweber 3650 Schoeneck Rd. Macungie, PA 18062	Lehigh	Lower Macungie Township	Swabia Creek (HQ-CWF, MF)

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.*

Permit #	Applicant Name & Address	County	Municipality	Receiving Water / Use
PAI-0350-15-002	Jay Lester Garman 1248 Clouser Hollow Road New Bloomfield, PA 17068	Perry	Centre Township	2 UNTs to Trout Run, Wetlands/CWF, EV Wetlands

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. (412) 442.4315*

Permit No.	Applicant & Address	County	Municipality	Stream Name
PAI050415001	Department of General Services, 18th and Herr Streets, Harrisburg, PA 17125	Beaver County	Chippewa Township	UNT North Fork Little Beaver Creek (HQ-CWF)

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI051115003	PennDOT District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Cambria County	East Carroll Township	UNT to Laurel Lick (HQ-CWF); West Branch Susquehanna (WWF)

*Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

*Butler County Conservation District, 122 McCune Drive, Butler, PA 16001-6501*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI061015002	Freeport Area School District PO Box Drawer C Freeport, PA 16229	Butler	Buffalo Township	Little Buffalo Creek HQ-TSF

## STATE CONSERVATION COMMISSION

### PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons with a disability who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information should contact the SCC through the Pennsylvania AT&T Relay Service at (800) 654-5984.

## APPLICATIONS

### NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units (AEUs)</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Dale Stoltzfus 160 Farm View Road Schuylkill Haven, PA 17972	Schuylkill	280.2	130.65	Ducks (Layers)	N/A	Renewal
Heisler's Egg Farm 757 Valley Road Tamaqua, PA 18252	Schuylkill	138.1	1,867.95	Poultry (Layers)	HQ	Renewal
Furnace Hill Farm Christopher Wine 258 Albright Road Newmanstown, PA 17073	Lebanon	0	346.06	Swine	NA	Renewal
Pennsylvania Cedar Pine Farm E 592 Pine Stump Road Chambersburg, PA 17202	Franklin	611.5	1,721.88	Dairy	NA	New
Swatara Swine Farm 921 Blacks Bridge Road Annville, PA 17003	Lebanon	0	805.15	Swine	NA	Renewal
MACH Farm 651 Pine Road Palmyra, PA 17078	Lebanon	0	718.34	Swine	NA	Renewal

## PUBLIC WATER SUPPLY (PWS) PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### SAFE DRINKING WATER

#### Applications Received Under the Pennsylvania Safe Drinking Water Act

*Central Office: Bureau Director, Bureau of Safe Drinking Water, PO Box 8467, Harrisburg, PA 17105-8467*

**Permit No. [ 9996456 ],** Public Water Supply.

Applicant	[ <b>Readington Farms, Inc.</b> ]
[Township or Borough]	[Whitehouse, New Jersey]
Responsible Official	[Ms. Michelle West, Administrative Assistance]
Type of Facility	[Out of State Bottled Water System]
Application Received Date	[August 24, 2015]
Description of Action	[Applicant requesting a permit amendment to add a new distilled water product to their permit. Bottled water to be sold in Pennsylvania under the brand names: Shop Rite Spring Water, Price Rite Natural Spring Water and Shop Rite Distilled Water.]

*Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Permit No. 0315505,** Public Water Supply.

Applicant	<b>Rayburn Township Joint Municipal Authority</b> PO Box 776 Kittanning, PA 16201
[Township or Borough]	Rayburn Township
Responsible Official	Marie Leinweber, Chairwoman Rayburn Township Joint Municipal Authority PO Box 776 Kittanning, PA 16201
Type of Facility	New water system
Consulting Engineer	Senate Engineering Company 420 William Pitt Way Pittsburgh, PA 15238
Application Received Date	August 31, 2015
Description of Action	New public water supply system.

### MINOR AMENDMENT

#### Applications Received Under the Pennsylvania Safe Drinking Water Act

*Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Application No. 1669501-MA2, Minor Amendment.**

Applicant	<b>Saint Petersburg Water Authority</b>
Township or Borough	Richland Township
Responsible Official	William D. Logue
Type of Facility	Public Water Supply
Consulting Engineer	Barry Martin English, P.E. The EADS Group 15392 Route 322 Clarion, PA 16214
Application Received Date	August 17, 2015
Description of Action	Install a chlorine analyzer in the water storage tank to verify constant chlorine residual.

### WATER ALLOCATIONS

#### Applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**WA3-1014, Water Allocations. Rayburn Township Joint Municipal Authority,** PO Box 776, Kittanning, PA 16201, **Armstrong County.** The applicant is requesting the right to purchase 63,000 gallons of water, per day, from Manor Township Joint Municipal Authority.



## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

#### **Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907)**

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Stagecoach Junction CF**, Turkey Path Road, Wyalusing Township, **Bradford County**. Apex Companies, LLC, 20 Valley Stream Parkway, Suite 270, Malvern, PA 19355, on behalf of Appalachia Midstream, LLC, 200 IST Center, Horseheads, NY 14845 submitted a Notice of Intent to Remediate. A release of 10 barrels of brine water was discovered. Soil remediation and sampling were performed in the area of the release. The planned future use of the property is to continue to be used as a natural gas treating, dehydrating and compression facility. The Notice of Intent to Remediate was published in *The Rocket-Courier* on July 20, 2015.

*Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**American Nickeloid Company**, 129 Cherry Street, Walnutport Borough, **Northampton County**. Element Environmental Solutions, Inc., 61 Willow Street, Adamstown, PA 19501, on behalf of American Nickeloid Company, 129 Cherry Street, Walnut Port, PA 18088, submitted a Notice of Intent to Remediate. Contamination is due to historical operations at the site. The Proposed future use of the property will be non-residential industrial use. The proposed cleanup standards for the site are Statewide Health and Site Specific. The Notice of Intent to Remediate was published in *The Press Group Newspapers* on August 19, 2015.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Hydril Company**, intersection of Virginia Avenue & Beaver Street, Rochester Township, **Beaver County**. SE Technologies, LLC., 98 Vanadium Road, Bridgeville, PA 15017 on behalf of Hydril Company, 2200 West Loop South Ste 800, Houston, TX 77027 has submitted a Notice of Intent to Remediate to meet the Site Specific standard concerning site soils and groundwater contaminated with: metals- lead, zinc, arsenic; organic hydrocarbons; volatile & semi-volatile organic compounds in specific areas of the 55 acre property. The NIR indicates the future intended use will be non-residential. Notice of the NIR was published in the *Beaver County Times* on August 14, 2015.

### RESIDUAL WASTE GENERAL PERMITS

**Application(s) Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGR151. Evergreen Recycling Solutions, LLC**; 11 Dundar Road, Suite 210; Springfield, NJ, 07081-3513; Site: 110 Evergreen Avenue, Newark, NJ 07114-1125. The application is for a residual waste general permit for the beneficial use of saw dust-like material derived from the processing of construction and demolition waste to be used as a

solidification agent. The application was determined to be administratively complete by Central Office on June 8, 2015.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at [ra-epbenuseall@pa.gov](mailto:ra-epbenuseall@pa.gov). When submitting comment via e-mail, place "Comments on WMGR151" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

#### **DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS**

##### **Application(s) for Determination of Applicability Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**General Permit Application No. WMGR082SC002. Boyertown Foundry Company**, 9th and Rothermel Drive, P.O. Box 443, New Berlinville, PA 19545-0443.

The Southcentral Regional Office, Waste Management Program received determination of applicability (DOA) under Residual Waste General Permit No. WMGR082 for Boyertown Foundry Company, 9th and Rothermel Drive, P.O. Box 443, New Berlinville, PA 19545-0443 in the Borough of Boyertown, Berks County. This general permit is for processing and beneficial use of steel slag, iron slag, and refractory bricks that were co-disposed with slag as a construction material. The DOA was determined to be complete on September 1, 2015.

Persons interested in obtaining more information about this determination of applicability may contact John Oren, P.E., Permitting Section Chief, Southcentral Regional Office, Waste Management Program at 717-705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

### **AIR QUALITY**

#### **PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS**

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals and Operating Permits from the following facilities.

Copies of the application, the Department's analysis, all pertinent documents used in the evaluation of the appli-

cation and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### **PLAN APPROVALS**

##### **Plan Approval Applications Received under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**61-208A: Specialty Fabrication and Powder Coating Company.** (P.O. Box 790, Franklin, PA 16323), for



the installation of a paint booth and drying oven at their facility located in Sugar Creek Borough, **Venango County**. This is a non-Title V facility.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920*

**46-0005AO: Merck, Sharp & Dohme, Corp.** (770 Sunmeyer Pike, West Point, PA 19486-0004) for the installation and operation of two (2) lean burn, natural gas-fired generator sets rated at 2,185 bhp and 1,818 bhp in upper Gwynedd Township, **Montgomery County**. The sources in this plan approval are located at an existing Title V facility. These units will be used to provide back-up electrical power to the various buildings during utility power outages/fluctuations and/or electrical infrastructure maintenance. These units may also be used for peak shaving, thereby classifying them as non-emergency RICE Units subject to 40 CFR 60, Subpart JJJJ and 40 CFR 63, Subpart ZZZZ. The facility is applying to operate each engine a maximum of 500 hours in any 12 consecutive month period. The aggregate potential annualized emissions (in tons) are as follows: NO<sub>x</sub>—1.10, VOC—0.55, CO—0.55, SO<sub>x</sub>—0.004, PM—0.0006, PM<sub>10</sub>—0.07, and PM<sub>2.5</sub>—0.07. This project will not trigger applicability to the federal PSD regulations or PADEP's NSR regulations. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-0100: Saint-Gobain Abrasives Inc.** (200 Commerce Drive, Montgomeryville, PA 18936) for a wider abrasives surface coating line and associated increases in allowable emissions of volatile organic compounds (VOC) to accommodate the wider line and expected market increases. One of three surface coating lines at the facility will be widened to allow processing of a 25 inch product rather than the current 19 inch product. VOC emission limits for the widened line and another surface coating line producing similar products at the facility are combined, where previously emissions were specified by line and operation. Allowable VOC emissions for the combined source are increased from 3.28 tons/year to 7.9 tons/year on a 12-month rolling basis and from 1.75 lb/hour to 4.23 lbs/hr on a 24 hour average basis. VOC emissions will continue to be controlled by a regenerative thermal oxidizer having 95% VOC destruction efficiency, which is Best Available Technology (BAT). The destruction efficiency will be confirmed through stack testing. The facility will continue to comply with the applicable requirements of 25 Pa. Code § 129.52b, to which it is subject, as well as monitoring, recordkeeping and work practice conditions as specified in the facility's Operating Permit for the surface coating operations.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**21-03118A: Fogelsanger-Bricker Funeral Home, Inc.** (112-116 West King Street, Shippensburg, PA 17257)

for construction of a human crematory controlled by an afterburner at the funeral home in Shippensburg Borough, **Cumberland County**. The facility has the following potential air emissions: 3.3 tons per year of CO, 1.0 ton per year of NO<sub>x</sub>, 2.3 tons per year of PM, 0.8 ton per year of SO<sub>x</sub>, and 1.0 ton per year of VOC. The facility is a State Only facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. The plan approval and subsequent State-Only operating permit will include emission restrictions, work practice standards, and testing, monitoring, record keeping, and reporting requirements to ensure the facility complies with the applicable air quality regulations. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the provisions of 25 Pa. Chapter 127.

**OPERATING PERMITS**

**Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**67-05042: Hanover Foods Corporation** (P.O. Box 334, Hanover, PA 17331) to issue a Title V Operating Permit renewal for the vegetable processing and canning facility (Hanover Cannery) located in Penn Township, **York County**. The actual emissions from the facility in 2014 are estimated at 8.9 tons CO; 8.5 tons NO<sub>x</sub>; 2.3 tons VOC; 0.3 ton PM<sub>10</sub>; 0.3 ton PM<sub>2.5</sub>; 0.2 ton SO<sub>x</sub>; 0.3 ton hexane; 0.3 ton total HAPs; 21,538.9 tons CO<sub>2</sub>; 0.5 ton CH<sub>4</sub>; 0.3 ton N<sub>2</sub>O; and 21,635.4 tons CO<sub>2</sub>e. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units (Source IDs 030 and 037); 40 CFR Part 63, Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources (Source ID 036); and 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (Source IDs 201, 202, 203, and 204).

**28-05045: Talen Renewable Energy, LLC** (835 Hamilton Street, Suite 150, Allentown, PA 18101) to issue a Title V Operating Permit for their landfill gas-to-energy facility (Blue Ridge Renewable Energy Plant) at the Blue Ridge Landfill located in Greene Township, **Franklin County**. The actual emissions from the facility in 2014 are estimated at 203.2 tons CO; 58.5 tons NO<sub>x</sub>; 29.9 tons

VOC; 7.0 tons SO<sub>x</sub>; 2.3 tons PM<sub>10</sub>; 2.3 tons PM<sub>2.5</sub>; 26.6 tons formaldehyde; 26.6 tons total HAPs; 32,321.6 tons CO<sub>2</sub>; 2.0 tons CH<sub>4</sub>; 0.4 ton N<sub>2</sub>O; and 32,487.6 tons CO<sub>2</sub>e. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines (Source IDs 101, 102, 103, and 104); 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (Source IDs 101, 102, 103, and 104); 40 CFR Part 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills (Source IDs 101, 102, 103, 104, 201, and C301); and 40 CFR Part 63, Subpart AAAA—National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills (Source IDs 101, 102, 103, 104, 201, and C301).

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**55-00002: PA Department of Public Welfare** (P.O. Box 500, Selinsgrove, PA 17870) to renew the Title V Operating Permit (TVOP) for their Selinsgrove Center facility located in Penn Township, **Snyder County**. The representative of PA Department of Public Welfare to contact regarding Title V Operating Permit 55-00002 Mr. Scott Shreffler, Mechanical Engineer, Hilltop Building #52, 1st Floor, 3 Ginko Drive, Harrisburg PA 17110.

The facility's main sources include four boilers and non-emergency generator engines. The facility also operates emergency generator engines and parts washers. No emission or equipment modifications are being proposed by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 60 and 63 as well as 25 Pa. Code Chapters 121–145. The facility has the potential to emit major levels of sulfur oxide emissions, expressed as sulfur dioxide (SO<sub>2</sub>) emissions. The air contaminants as reported by the facility in their 2014 Air Information Management System (AIMS) report are 3 tpy of carbon monoxide, 22 tpy of nitrogen oxides, 11 tpy of particulate matter less than 10 microns (PM<sub>10</sub>), 52 tpy of sulfur oxides, 0.3 tpy of volatile organic compounds, 0.5 tpy of total hazardous air pollutants.

The renewal TVOP includes the terms of Plan Approval 55-00002C that authorized installation of an oxidation catalyst for each of the diesel generator engines (Source IDs P201 and P202). Pursuant to Plan Approval 55-00002D, the facility is required to limit fuel usage in their coal boilers (Source IDs 031, 032 and 033) such that, each of the boilers are considered limited use affected sources as specified in the Area Source Boiler MACT requirement codified in 40 CFR Part 63 Subpart JJJJJJ. The terms of 55-00002D have been incorporated into the renewal TVOP. The facility is required to monitor fuel usage and keep records to show the level of fuel usage is compliant with the criteria for limited use as specified in the Area Source Boiler MACT requirement. Additionally, the natural gas boiler installed in 2013 was incorporated in the renewal Title V operating permit. The facility did not perform a Department-approved stack test on the boiler. The renewal TVOP includes a compliance schedule for the

boiler. The renewal TVOP contains all applicable federal and state air quality regulatory requirements including testing, monitoring, recordkeeping, reporting and work practice conditions to assure, or achieve, compliance with the applicable regulatory requirements.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570.327.0550.

#### **Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**09-00031: Eureka Stone Quarry, Inc.** (PO Box 249, Chalfont, PA 18914) for renewal of the State Only Operating Permit for a facility comprising a stone crushing operation and two asphalt plants located in Wrightstown Township, **Bucks County**. The renewal includes minor changes in standard conditions in accordance with Department of Environmental Protection (DEP) guidelines. Ranges for allowable pressure drops for two baghouses controlling particulate matter emissions are set. A limit of 30% reconstituted asphalt pavement (RAP) by weight of total asphalt produced is set for Hot Mix Asphalt Plant 4. The facility is limited to emissions of 24.9 tons/year NO<sub>x</sub> and VOC on a 12-month rolling basis. The renewed Operating Permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

**15-00068: Spring City Electrical Mfg. Co.** One South Main St., P.O. Box 19, Spring City, PA 19475) for operation of their iron foundry and aluminum casting manufacturing facility in Spring City Borough, **Chester County**. The facility's major emission points include two (2) electric induction furnaces, a No. 2 fuel oil fired aluminum furnaces, molding, pouring and cooling operations and five (5) spray paint booths. This action is a renewal of the State Only Operating Permit. The initial permit was issued on 8-16-2005 and was renewed on 2-9-2011. The permit is for a non-Title V, Synthetic Minor facility. The permit will include monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirement.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**06-05152: NRG REMA LLC** (296 Poplar Neck Road, Birdsboro, PA 19508) to issue a State Only Operating Permit for the Titus Electric Generating Station located in Cumru Township, **Berks County**. The potential emissions from the facility are estimated at 99.20 tpy of NO<sub>x</sub>, 12.61 tpy of SO<sub>2</sub>, 22.93 tpy of CO, 2.35 tpy of particulate matter and 0.67 tpy of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting require-



ments to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63 Subpart ZZZZ.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**41-00056: Wenger's Feed Mill, Inc.** (101 W. Harrisburg Ave., Rheems, PA 17570) to issue a renewal State Only Operating Permit for their Muncy Mill located in Clinton Township, **Lycoming County**. The facility is currently operating under State Only Operating Permit 41-00056. The facility's main sources include two natural gas/No. 2 fuel oil-fired boilers, four storage tanks and various animal feed processing equipment including bins, hoppers, mixers, conveyors, hammermills, pellet mills, bucket elevators and silos. The facility has potential emissions of 5.89 TPY of CO; 3.51 TPY of NO<sub>x</sub>; 0.04 TPY of SO<sub>x</sub>; 53.03 TPY of PM/PM<sub>10</sub>; 0.40 TPY of VOCs; 0.13 TPY HAPs; 8,430 TPY GHGs. The emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

**41-00033: Williamsport Hospital** (700 High Street, Williamsport, PA 17701), for the facility located in Williamsport, **Lycoming County**. The facility's sources include five (5) natural gas/#2 fuel oil-fired boilers, four (4) natural gas-fired boilers, two (2) natural gas water heaters, three (3) diesel-fired emergency generators, one (1) natural gas-fired emergency generator and one (1) diesel-fired fire pump engine. The facility has the potential to emit particulate matter (PM<sub>10</sub>), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), volatile organic compounds (VOCs), hazardous air pollutants (HAPs) and sulfur oxides (SO<sub>x</sub>) below the major emission thresholds. The proposed operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility. The subject facility has the following potential emissions: 42.78 TPY of carbon monoxide; 75.70 TPY of nitrogen oxides; 1.48 TPY of sulfur oxides; 3.95 TPY of particulate matter; 3.61 TPY of volatile organic compounds and 59,832 TPY of greenhouse gases. The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12, the New Source Performance Standards (NSPS) pursuant to 40 CFR Part 60 Subpart IIII and JJJJ and the National Emission Standards for Hazardous Air Pollutants (NESHAP) pursuant to 40 CFR Part 63 Subparts ZZZZ. The operating permit will include emission limits and work practice standards along with

monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations. The emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131*

**37-00331: RWE Holding Co.—West Pittsburgh Plant** (P. O. Box 311, Portersville, PA 16051) for issuance of a new natural minor operating permit for slag handling, anti-skid processing, bulk carbon loading, graphite drying operation and a portable nonmetallic mineral processing plant at 535 Rundle Road, New Castle, PA 16101. The plant is located in Taylor Township, **Lawrence County**. Sources at the site include slag handling, anti-skid processing, coke screening, coke storage piles, dry bulk carbon transfer, graphite drying, plant roadways, and a crusher with conveyors. The dry bulk carbon transfer and graphite drying operation are each controlled by baghouses. The portable crushing plant is powered by a 305 hp Cummins diesel engine. The crusher is controlled by wet spray. The processing plant is subject to 40 CFR Part 60 Subpart OOO pertaining to Nonmetallic Mineral Processing. The engine is subject to 40 CFR 63 Subpart ZZZZ pertaining to National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The processing plant was authorized by GP-3. The engine was authorized by GP-9. The permit includes emission limits, testing, recordkeeping, reporting, work practice and additional requirements. The emissions from the facility are: 1.85 TPY PM; 1.67 TPY PM<sub>10</sub>; 4.23 TPY NO<sub>x</sub>; 0.75 TPY CO; 0.125 TPY VOC; and, 0.004 TPY SO<sub>x</sub>.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of

requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121–77.123 and 86.31–86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

#### *Coal Applications Received*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**32733708 and NPDES No. PA0215503. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Greenwich No. 1 Coal Refuse Disposal Area in Green Township, **Indiana County**, Susquehanna Township, **Cambria County** and related NPDES permit. No additional discharges. The application was considered administratively complete on September 1, 2015. Application received January 9, 2015.

**33901602 and NPDES No. PA0214604 and GP12-33901602. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Brockway Tipple in Snyder Township, **Jefferson County** and related NPDES permit. Includes new Bureau of Air Quality GPA/GP12 permit authorization. No additional discharges. The application was considered administratively complete on September 1, 2015. Application received February 18, 2014.

**30130701 and NPDES No. PA0236268. Consol Pennsylvania Coal Company LLC**, (1000 CONSOL Energy Drive, Canonsburg, PA 15317). To operate the Bailey Coal Refuse Disposal Areas No. 7 and No. 8 in Morris Township, **Greene County** and related NPDES permit to construct a coal refuse disposal facility. Coal Refuse Disposal Support Acres Proposed 277.0, Coal Refuse Disposal Acres Proposed 272.0. Application also includes a request for a Section 401 Water Quality Certification. No additional Discharges. The application was considered administratively complete on September 1, 2015. Application received July 10, 2015.

**32840701 and NPDES No. PA0092193. Tanoma Coal Company, Inc.**, (975 Georges Station Road, Suite 900, Greensburg, PA 15601). To renew the permit for the Tanoma Refuse Area #2 in Rayne Township, **Indiana County** for reclamation only/water treatment. No additional discharges. The application was considered administratively complete on September 1, 2015. Application received November 6, 2014.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**Permit No. 11900201 and NPDES No. PA0599051, Maple Coal Company**, 254 Interpower Drive, Colver, PA 15927, commencement, operation and restoration of a bituminous surface refuse reprocessing mine to change the land use from Wildlife Habitat to unmanaged Natural Habitat in Barr and Blacklick Townships, **Cambria County**, affecting 134.2 acres. Receiving stream Elk Creek classified for the following use cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 21, 2015.

**Permit No. 11100101 and NPDES No. PA0262986, Hoffman Mining, Inc.**, P.O. Box 130, 118 Runway Road, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface mine in Richland Township, **Cambria County**, affecting 14.0 acres. Receiving streams: unnamed tributaries to/and Solomon Run classified for the following use: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 4, 2015.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**14820103 and NPDES PA0611719. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Permit renewal for continued operation and restoration of a bituminous surface and auger mine located in Rush Township, **Centre County** affecting 379.7 acres. Receiving stream(s): Unnamed Tributaries to Moshannon Creek and Unnamed Tributaries to Trout Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: August 25, 2015.

**17120102 and NPDES PA0257915. Rob Holland Enterprises** (52 Holland Lane, Curwensville, PA 16833). Permit renewal for continued operation and restoration of a bituminous surface mine located in Penn Township, **Clearfield County** affecting 42.5 acres. Receiving stream(s): Kratzer Run and Hiles Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: August 28, 2015.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500*

**GP12-65140102. Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Application for authorization under General Permit BAQ-GPA/GP12 and is required to meet all applicable limitations, terms, and conditions of authorization GP12-65140102 to operate a portable coal crusher for a bituminous surface mine, located in East Huntingdon Township, **Westmoreland County**, affecting 131.6 acres. Receiving streams: unnamed tributaries to Stauffer Run and Stauffer Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: September 1, 2015.

*Noncoal Applications Received*

**Effluent Limits**—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

<i>Parameter</i>	<i>Table 2</i>		
	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity*			
pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**10120303. Allegheny Mineral Corporation.** (P.O. Box 1022, Kittanning, PA 16201) Revision to an existing large industrial minerals mine to add 96.1 acres in Worth Township, **Butler County**, affecting a total of 432.0 acres. Receiving streams: Unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 24, 2015.

**1270-10120303-E-5. Allegheny Mineral Corporation.** (P.O. Box 1022, Kittanning, PA 16201) Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary No. 3 to Slippery Rock Creek in Worth Township, **Butler County**. Receiving streams: Unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 24, 2015.

**1270-10120303-E-6. Allegheny Mineral Corporation.** (P.O. Box 1022, Kittanning, PA 16201) Application for a stream encroachment to mine through and mitigate for impacts unnamed tributary Nos. 8 and 8A to Slippery Rock Creek in Worth Township, **Butler County**. Receiving streams: Unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 24, 2015.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500*

**3378NC17 and NPDES Permit No. PA0592579. Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Connellsville, PA 15425). NPDES renewal application for continued mining to an existing large noncoal surface mine, located in Connellsville Township, **Fayette County**, affecting 73.5 acres. Receiving streams: unnamed tributary to Connell Run and Connell Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: September 2, 2015.

**26840402 and NPDES Permit No. PA0588075. Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Connellsville, PA 15425). NPDES renewal application for continued mining to an existing large noncoal surface mine, located in Connellsville Township, **Fayette County**, affecting 234.7 acres. Receiving streams: unnamed tributaries to Connell Run and Connell Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: September 2, 2015.

**26900306 and NPDES Permit No. PA0591483. Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Connellsville, PA 15425). NPDES renewal application for continued mining to an existing large noncoal surface mine, located in Connellsville Township, **Fayette County**, affecting 51.4 acres. Receiving streams: unnamed tributary to Connell Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: September 2, 2015.

### MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

#### *Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:



<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

#### *Effluent Limits for Noncoal Mining Activities*

The limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### *Coal NPDES Draft Permits*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**NPDES No. PA0235059 (Mining Permit No. 32990104), A.B.M. Mining Company, Inc.**, 3330 Johnston Road, Smicksburg, PA 16256, renewal of an NPDES permit for a reclamation only surface coal mine operation in Grant Township, **Indiana County**, affecting 118.7 acres. Receiving streams: unnamed tributaries to/and Little Mahoning Creek, classified for the following use: high quality cold water fishes. Application received: February 25, 2015.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfalls listed below discharge to unnamed tributaries to/and Little Mahoning Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
002 (Sediment Pond 2)	No—Reclamation Only
004 (Sediment Pond 4)	No—Reclamation Only

**NPDES No. PA235164 (Mining Permit No. 32990110), KMP Associates, Inc.**, 3756 State Route 981, Saltsburg, PA. 15681-1475, renewal of an NPDES permit for reclamation only coal surface mine operations in Young Township, **Indiana County**, affecting 4.0 acres. Receiving streams: Unnamed tributaries to Harpers Run, classified for the following use: cold water fishes. This receiving stream is included in the Kiski-Conemaugh Watershed TMDL. Application received: August 19, 2015.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The treatment facility outfall listed below discharges to an unnamed tributary to Harpers Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
004 (long term treatment facility)	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfall: 004 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

**NPDES No. PA0121533 (Mining Permit No. 11803038), Cooney Brothers Coal Co.**, P.O. Box 246, Cresson, PA 16630, renewal of an NPDES permit for surface mining activities in Adams and Ogle Townships, **Cambria and Somerset Counties**, affecting 1,589.8 acres. Receiving streams: Paint Creek and unnamed tributaries to/and Babcock Creek, classified for the following use: cold water fishes. This receiving stream is included in the Kiski-Conemaugh River TMDL. Application received: August 8, 2015.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The wastewater treatment outfalls listed below discharge to an unnamed tributary to Babcock Creek and Paint Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
014	N
015	N
045	N
046	N

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 014, 015, 045 &amp; 046 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 11.5 standard units at all times.			
Alkalinity must exceed acidity at all times			

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
042	N

The proposed effluent limits for the above listed outfall is as follows:

<i>Outfall: 042 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

**NPDES No. PA0607606 (Mining Permit No. 32810135), M.B. Energy, Inc.**, 175 McKnight Road, Blairsville, PA 16256, transfer of an NPDES permit for a reclamation only coal surface site having a post-mining discharge with passive treatment system in West Wheatfield Township, **Indiana County**, affecting 5.3 acres. Receiving stream(s): Unnamed tributary to Blacklick Creek, classified for the following use(s): Cold Water Fishery (CWF). This receiving stream is included in the Kiskiminetas-Conemaugh River TMDL. Application received: February 11, 2014.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall listed below discharges to unnamed tributary to Blacklick Creek.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
002 (Post-Mining Discharge with Passive Treatment System)	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfall: 002 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	2.5	5.0	5.8
Manganese (mg/l)	1.7	3.4	4.3
Aluminum (mg/l)	1.2	2.4	3.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)	50.0	50.0	50.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**NPDES No. PA0259586 (Permit No. 33140102). P. and N. Coal Company, Inc.** (P.O. Box 332, Punxsutawney, PA 15767) New NPDES permit for a bituminous surface and auger mine in Porter Township, **Jefferson County**, affecting 512.2 acres. Receiving streams: Unnamed tributaries to Foundry Run and Foundry Run, unnamed tributaries to Mahoning Creek and Mahoning Creek, classified for the following uses: CWF. TMDL: Foundry Run. Application received: February 17, 2015.

This proposed mine site also contains or is hydrologically connected to substandard discharges for which there is no responsible party. Pursuant to 25 Pa. Code § 87.201, effluent limits for those discharges will be based upon the existing baseline pollution load, or the standards found at 25 Pa. Code § 87.102(a) Group A, whichever is least stringent.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to unnamed tributaries to Mahoning Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB7	Y
TB8	Y
TB10	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		2	4	5
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

<sup>1</sup> The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries to Mahoning Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
H	Y
I	Y
J	Y
ST1	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

The outfall(s) listed below require(s) a non-discharge alternative:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB1	Y
TB2	Y
TB3	Y
TB4	Y

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB5	Y
TB6	Y
TB9	Y

The outfall(s) listed below discharge to unnamed tributary to Foundry Run and Foundry Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	Y
B	Y
C	Y
D	Y
E	Y
F	Y
G	Y
K	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500*

**NPDES No. PA0278076 (Mining permit no. 02140101), Amerikohl Mining, Inc.,** 1384 State Route 711, Stahlstown, PA 15687. New NPDES permit for a bituminous surface mine in Elizabeth Township, **Allegheny County**, affecting 53.4 acres. Receiving stream(s): Unnamed Tributaries to Wylie Run, classified for the following use(s): WWF. Application received: October 24, 2014.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The stormwater outfall(s) listed below discharge to Unnamed Tributary A to Wylie Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	Y	SW
002	Y	SW
004	Y	SW
005	Y	SW

The proposed effluent limits for the above listed outfall(s) are as follows: for dry weather discharges

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)	2.0	4.0	5.0
Total Suspended Solids (mg/L)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfall(s) listed below discharge to Unnamed Tributary A to Wylie Run

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	Y	SW
002	Y	SW
003	Y	SW
004	Y	SW

The proposed effluent limits for the above listed outfall(s) are as follows: for precipitation events less than or equal to a 10 year/24 hour storm event

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	NA	NA	7.0
Settleable Solids (mL/L)	NA	NA	0.5
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The treated wastewater outfall(s) listed below discharge to Unnamed Tributary A to Wylie Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
003	Y	MDT

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)	2.0	4.0	5.0
Total Suspended Solids (mg/L)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

#### *Noncoal NPDES Draft Permits*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**NPDES No. PA0599115 (Mining permit no. 56813104), PBS Coals, Inc.**, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, renewal of an NPDES permit for a reclaimed surface coal operation treating post-mining discharges in Brothersvalley Township, **Somerset County**, affecting 344.7 acres. Receiving stream(s): Unnamed tributaries to/and Tubs Run, classified for the following use(s): cold water fishery. This receiving stream is included in the Buffalo Creek TMDL. Application received: November 21, 2014.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to unnamed tributaries to/and Tubs Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (Treatment System 1)	N
002 (MD2 Treatment System Discharge)	N
003 (MD6 Treatment System Discharge)	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: 001, 002 and 003 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			50.0

pH variance requested as follows:

- pH not less than 6.0 standard units or greater than 9.0 standard units at all times for Outfall 002.
- Pursuant to 25 Pa Code § 87.102(c)(1), a variance for pH for Outfalls 001 and 003. pH must be between 6.0 and 10.0 standard units at all times for Outfalls 001 and 003.

## **FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person

commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.



**Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.**

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E39-538. Liberty Property Trust**, 74 West Broad Street, Bethlehem, PA 18016, in Lower Macungie Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with development on Lot 16 of the Spring Creek Properties Settlement Subdivision:

1. An outfall in the floodway of Little Lehigh Creek (HQ-CWF, MF) consisting of an open channel and riprap apron.

2. Fill of approximately 0.26 acre of wetland for the purpose of constructing a stormwater outfall.

The project is located southwest of the intersection of Mertztown Road and Smith Lane (Allentown West, PA Quadrangle, Latitude: 40.521286°; Longitude: -75.629862°).

**E39-539. Borough of Macungie**, 21 Locust Street, Macungie, PA 18062, in Borough of Macungie, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a stormwater outfall in the floodway of an Unnamed Tributary to Swabia Creek (HQ-CWF, MF) consisting of an 18-inch diameter HDPE pipe, endwall, and riprap apron.

The project is located on the north side of Cotton Street, 400 feet west of its intersection with South Chestnut Street (Allentown West, PA Quadrangle, Latitude: 40°30'40.6"; Longitude: -75°33'08.6").

**E48-432. Buzzi Unicem USA, Inc.**, 501 Hercules Drive, Stockertown, PA 18083, in Upper Nazareth Township, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a stream restoration project along 300 feet of Schoeneck Creek (WWF, MF) for the purpose of reducing the risk of sinkholes. The cross section consists of a geosynthetic clay liner, 12 inches of soil and aggregate mix, existing streambed material choked with riprap, and rock armoring along each bank. The project also includes the repair of two sinkhole areas within the floodway of Schoeneck Creek (WWF, MF) previously authorized under Emergency Permit No. EP4815401.

The project is located on the south side of the Buzzi Unicem USA Quarry, southeast of the intersection of State Route 191 and Friedenstahl Avenue (Nazareth, PA Quadrangle, Latitude: 40°44'44.02"; Longitude: -75°17'02.18").

**E40-767. Misericordia University**, 301 Lake Street, Dallas, PA 18612, in Dallas Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with a 12-foot wide,

3,200-L.F. gravel road to provide access to a proposed athletics field and proposed UGI utility pole pads:

1) A 30-foot long, 18-inch diameter corrugated plastic pipe crossing of an Unnamed Tributary to Toby Creek (CWF, MF).

2) A 35-foot long, 24-inch diameter corrugated plastic pipe crossing of an Unnamed Tributary to Toby Creek (CWF, MF).

3) A 38-foot long, 18-inch diameter corrugated plastic pipe crossing of an Unnamed Tributary to Toby Creek (CWF, MF).

4) To cross 350-L.F. of EV wetlands (0.096-acre of permanent disturbance) consisting of 35 12-inch diameter SLCPP cross pipes placed at 10-foot intervals.

5) To fill 0.012-acre of EV wetlands for the purpose of constructing a utility pole pad.

6) To fill 0.01-acre of EV wetlands and floodway for the purpose of constructing a utility pole pad.

7) To place fill in 0.08-acre of floodway of an Unnamed Tributary to Toby Creek (CWF, MF).

The project is located along the eastern border of the Misericordia University campus, approximately 0.2 mile north of the intersection of McAuley Drive and Lake Street (Route 1047) (Kingston, PA Quadrangle Latitude: 41° 20' 43.19" Longitude: -75° 58' 2.24") in Dallas Township, Luzerne County (Kingston, PA Quadrangle, Latitude: 41°20'43.19"; Longitude: -75°58'2.24").

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E22-616: Steelton Borough**, 123 North Front Street, Steelton, PA 17113 in Steelton Borough, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To construct an exterior entrance access and new HVAC system at the Trewick Street Pump Station (Lat: 40° 14' 9" N Long: 76° 50' 40" W). Each component will be constructed on a new exterior elevated platform. The entrance access will consist of stairs, handrail, access door, and concrete sidewalk. Borough staff will use the entrance for better access to certain portions of the pump station necessary for operation.

The project is located in the Susquehanna River (WWF) floodplain. There are no wetlands on site. Total proposed impacts are 100 square feet (access = 69 sq ft, HVAC = 31 sq ft).

**E67-918: P.H. Glatfelter Company**, 96 S. George St., Suite 500, York, PA 17401 in Jackson & Paradise Townships, **York County**, U.S. Army Corps of Engineers Baltimore District.

P.H. Glatfelter Company proposes to install a natural gas connector line spanning approximately 6 miles in Jackson and Paradise Townships beginning at 39° 55' 22" N, 76° 56' 15" W and ending at 39° 52' 33" N, 76° 52' 22" W. Ten (10) wetland crossings and thirteen (13) stream crossings are necessary for the proposed project. Wetland impacts comprise 21,541 square feet (permanent) and 19,997 square feet (temporary). Temporary linear stream impacts total 759 feet with an impact area of 6,072 square feet. Floodway impacts total 2.66 acres. Nine (9) additional stream crossings accompany the project which may qualify for a waiver of permit requirements under 25 Pa. Code § 105.12(a)(2). Crossings will be permitted open cut and timber matted for temporary access, with the

exception of KLF-WETLAND03 which will utilize bore methods. KLF-WETLAND01 will be permanently impacted with the construction of a new impervious surface (157-ft by 150-ft) for a valve site. KLF-WETLAND03 and KLF-WETLAND04 are classified as Exceptional Value. The project is intended to allow the Spring Grove Mill integrated pulp and paper manufacturing facility to comply with the Boiler MACT requirements under 40 CFR 63 Subpart DDDDD. The mill currently uses coal fired boilers, three of which will be replaced with two natural gas fired boilers. The switch will significantly reduce air emissions and eliminate the need for more than 5,000 coal ash removal trucks from passing through Spring Grove annually.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E18-494. First Quality Products, Inc.,** 2209 Youngdale Road, McElhattan, PA 17748. McElhattan Warehouse 10, in Wayne Township, **Clinton County**, ACOE Baltimore District (Jersey Shore, PA Quadrangle N: 41° 09' 12.4"; W: -77° 21' 26.4").

The applicant is proposing to construct a 279,000 square foot commercial warehouse for the storage of finished products associated with the manufacturing facility. The project includes but is not limited to the construction of the warehouse, 30 bay tractor trailer loading dock, employee parking and stormwater management facilities.

The project will require fill to be placed and maintained in 0.03 acre (1,123 square feet) of Palustrine Emergent (PEM) wetland located in the watershed for the West Branch of the Susquehanna River, a Chapter 93 designated Warm Water Fishery (WWF) and Migratory Fishery (MF). No impacts to streams are proposed.

Due to the small size, isolated nature and low quality of the wetland to be impacted, no mitigation is proposed.

**E41-667. Transcontinental (Transco) Gas Pipe Line Company, LLC,** 2800 Post Oak Blvd., Level 6. Atlantic Sunrise Project—Unity Loop, in Jordan, Franklin and Penn Township, **Lycoming County**, ACOE Baltimore District (Sonestown and Picture Rocks, PA Quadrangles N: Start: 41.261518°, End: 41.268885°; W: -76.526921°, End: -76.689998°).

To install and maintain a 42-inch-diameter pipeline under and/or through the below listed floodways, streams and wetlands as part of the Atlantic Sunrise Project. The new 8.6 mile long pipe will be installed adjacent to an existing pipeline as a loop. The project is an expansion of the existing Transco Leidy Line System natural gas transmission system that will enable Transco to provide transportation of natural gas from the Marcellus Shale production areas in northern Pennsylvania to its existing market areas, extending to as far south as Choctaw County, Alabama.

This project proposes to have the following impacts:

			<i>Temporary Impact area (Acres)</i>	<i>Permanent Impact area (Acres)</i>	<i>Latitude</i>	<i>Longitude</i>
<i>Floodway</i>						
Floodway to UNT to West Branch Little Muncy Creek			0.1336	0.0086	41.26190	-76.53247
Floodway to Sugar Run			0.5368	0.0257	41.26670	-76.65584
Floodway to UNT to Sugar Run			0.1941	0.0097	41.26643	-76.64225
Floodway to UNT to Big Run			0.2869	0.0189	41.26547	-76.62510
Floodway to UNT to Big Run			0.0209	0.0000	41.26565	-76.62628
Floodway to UNT Big Run			0.5842	0.0259	41.26488	-76.61876
Floodway to UNT Big Run <sup>4</sup>			0.4146	0.0127	41.26494	-76.62088
Floodway to Big Run			0.0039	0.0000	41.26507	-76.62248
Floodway to UNT to Beaver Run			0.3143	0.0151	41.26465	-76.60409
Floodway to Beaver Run			0.0860	0.0043	41.26391	-76.59270
Floodway to UNT Beaver Run			0.0204	0.0007	41.26327	-76.58225
Floodway to UNT Beaver Run			0.0913	0.0057	41.26269	-76.56980
Floodway to UNT to Little Indian Run			0.1219	0.0061	41.26230	-76.56057
Floodway to Little Indian Run			0.0124	0.0004	41.26214	-76.54800
Floodway to West Branch Little Muncy Creek			0.1534	0.0085	41.26185	-76.53174
Floodway to UNT to West Branch Little Muncy Creek			0.1035	0.0045	41.26190	-76.53191
Floodway to Greg's Run			1.1900	0.0000	41.26185	-76.53174
Floodway to Greg's Run			0.0491	0.0000	41.26912	-76.69159
Total Floodway Impacts			4.3172	0.1469		
<i>ID</i>	<i>Stream Name</i>	<i>Chapter 93 Classification</i>	<i>Temporary Impact area (Acres)</i>	<i>Permanent Impact area (Acres)</i>	<i>Latitude</i>	<i>Longitude</i>
WW-T01-22016	West Branch Little Muncy Creek	CWF, MF	0.0321	0.0018	41.26185	-76.53174
WW-T01-22014	Little Indian Run	CWF, MF	0.0323	0.0017	41.26214	-76.54800
WW-T01-22012	UNT to Little Indian Run	CWF, MF	0.0244	0.0013	41.26230	-76.56057
WW-T01-22010	UNT Beaver Run	CWF, MF	0.0914	0.0047	41.26327	-76.58225
WW-T01-22009	Beaver Run	CWF, MF	0.1272	0.0069	41.26391	-76.59270
WW-T01-22008	UNT to Beaver Run	CWF, MF	0.0526	0.0034	41.26465	-76.60409

<i>ID</i>	<i>Stream Name</i>	<i>Chapter 93 Classification</i>	<i>Temporary Impact area (Acres)</i>	<i>Permanent Impact area (Acres)</i>	<i>Latitude</i>	<i>Longitude</i>
WW-T01-22008B	UNT to Beaver Run	CWF, MF	0.0503	0.0019	41.26470	-76.60449
WW-T01-22006B	UNT Big Run	HQ-CWF, MF	0.0618	0.0047	41.26494	-76.62088
WW-T01-22007	Big Run	HQ-CWF, MF	0.0300	0.0022	41.26507	-76.62248
WW-T01-22002	Sugar Run	CWF, MF	0.0449	0.0022	41.26670	-76.65584
WW-T46-22001	Greg's Run	CWF, MF	0.0047	0.0000	41.26912	-76.69159
<i>Perennial Stream Impacts</i>			0.5516	0.0309		
WW-T01-22016A	UNT to West Branch Little Muncy Creek	CWF, MF	0.0393	0.0024	41.26190	-76.53191
WW-T01-22015	UNT to West Branch Little Muncy Creek	CWF, MF	0.0097	0.0005	41.26190	-76.53247
WW-T01-22015A	UNT to West Branch Little Muncy Creek	CWF, MF	0.0088	0.0000	41.26199	-76.53256
WW-T01-22012A	UNT to Little Indian Run	CWF, MF	0.0124	0.0006	41.26234	-76.56072
WW-T01-22011	UNT Beaver Run	CWF, MF	0.0361	0.0020	41.26269	-76.56980
WW-T01-22008A	UNT to Beaver Run	CWF, MF	0.0314	0.0000	41.26475	-76.60401
WW-T01-22006	UNT Big Run	HQ-CWF, MF	0.0196	0.0000	41.26488	-76.61876
WW-T01-22003	UNT to Sugar Run	CWF, MF	0.0193	0.0011	41.26643	-76.64225
<i>Ephemeral and Intermittent Stream Impacts</i>			0.1767	0.0067		
<i>ID</i>	<i>Chapter 105.17 Wetland Class</i>	<i>Wetland Cowardin Class</i>	<i>Temporary Impact area (acres)</i>	<i>Permanent Impact area (acres)</i>	<i>Latitude</i>	<i>Longitude</i>
W-T01-22001	EV	PEM	0.0308	0.0019	41.26647	-76.64240
W-T01-22002	Other	PEM	0.0012	0.0000	41.26558	-76.62578
W-T01-22004	EV	PEM	0.1057	0.0011	41.26472	-76.61879
W-T01-22005A	Other	PEM	0.4173	0.0263	41.26503	-76.62218
W-T01-22006	EV	PEM	0.1493	0.0107	41.26491	-76.62049
W-T01-22008	Other	PEM	0.0001	0.0000	41.26477	-76.61533
W-T01-22009/ W-T01-22009-1	Other	PEM	0.2422	0.0154	41.26469	-76.60473
W-T01-22010A	Other	PEM	0.0334	0.0032	41.26381	-76.59237
W-T01-22011	Other	PEM	0.0035	0.0004	41.26321	-76.58238
W-T01-22012	Other	PEM	0.3548	0.0227	41.26270	-76.57002
W-T01-22013A	EV	PEM	0.0597	0.0000	41.26218	-76.56039
W-T01-22014A	EV	PEM	0.2203	0.0184	41.26206	-76.54771
W-T01-22015A	EV	PEM	0.1406	0.0079	41.26182	-76.53290
W-T01-22016	EV	PEM	0.0096	0.0000	41.26176	-76.53175
<i>Total Wetland Impacts</i>			1.7685	0.1080		
W-T01-22015C	EV	PFO	0.0017	0.0000	41.26201	-76.53257
W-T01-22014C	EV	PFO	0.1225	0.0353	41.26218	-76.54778
W-T01-22005C	Other	PFO	0.0002	0.0000	41.26516	-76.62233
W-T01-22007	EV	PFO	0.0347	0.0000	41.26501	-76.61568
W-T01-22010C	Other	PFO	0.0483	0.0098	41.26393	-76.59242
W-T01-22013C	EV	PFO	0.0401	0.0149	41.26230	-76.56073
<i>Total Wetland Impacts</i>			0.2476	0.0600		



*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**E02-1709. Municipality of Mt. Lebanon**, 710 Washington Road, Pittsburgh, PA, 15228; Mt. Lebanon Township, **Allegheny County**; ACOE Pittsburgh District.

The applicant is proposing to construct and maintain an approximately 112' long and 10.5' high retaining wall, along the right descending bank of an unnamed tributary to Painters Run (WWF), for the purpose of protecting and stabilizing the stream bank, to prevent further erosion, along Lindendale Drive, near its intersection with Cedar Boulevard (Bridgeville, PA USGS topographic quadrangle; Latitude: 40° 22' 4.57"; Longitude: -80° 3' 42.07"; Pittsburgh District U.S. Army Corps of Engineers), in the Municipality of Mount Lebanon, in Allegheny County. Riprap protection will be installed within the UNT, along the base of the retaining wall. In addition, fill will be placed and maintained within the floodway, behind the retaining wall. The project will also include approximately 60' of grouted riprap placement on the left descending bank to protect a proposed manhole, modifications to existing utilities and outfall structures, and will temporarily impact an additional 150' of watercourse.

**E02-1716, PennDOT District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017, McCandless Township, **Allegheny County**, ACOE Pittsburgh.

The applicant is proposing to:

Construct and maintain an 18 foot downstream extension of an existing SR 4086, 26 foot long, 30 foot span, 7.75 foot center clearance arch culvert over Pine Creek (CWF) with a drainage area of 8.5 square miles; in addition, construct and maintain associated stormwater outfalls, and temporarily impact 111 foot of stream for the purpose of constructing these encroachments.

The project is part of the PennDOT and McCandless Township SR 4086 and SR 19 intersection improvement project in McCandless Township, PA (Emsworth Quadrangle; N: 15.2 inches; W: 6.3 inches; Latitude 40° 35' 12"; Longitude -80° 2' 44") in Allegheny County.

**E32-507, PennDOT District 10-0**, 2550 Oakland Avenue, Indiana, PA 15701; Armstrong Township, **Indiana**, ACOE Pittsburgh District.

The applicant is proposing to:

1. Remove the existing SR 422, 57.9 foot long 14.9 foot span by 2.7 foot rise bridge conveying an unnamed tributary to the existing Curry Run (CWF), with a drainage area of 0.05 square mile;

2. place and maintain fill in an existing, approximately 796 foot reach of Curry Run (CWF);

3. construct and maintain an approximately 794 foot relocated section of Curry Run, with a drainage area of 5.31 square miles;

4. remove the existing SR 422, 42.4 long 15.9 foot span by 5.4 foot rise bridge over the existing Curry Run, with a drainage area of 5.31 square miles, and to construct and maintain a replacement, twin cell concrete box culvert, each 63.3 foot long, 18 foot span, and one with a 6.5 foot rise normal flow and the other with a 6.0 foot rise higher flow, in the relocated reach of Curry Run, with a drainage area of 5.31 square miles;

5. place and maintain fill in an approximately 373 foot section of the aforementioned unnamed tributary to Curry Run, and to construct and maintain a relocated 274 foot section of this unnamed tributary to Curry Run, with

a drainage area of 0.05 square mile, to reconnect it with the relocated section of Curry Run;

6. in addition install and maintain road associated stormwater facilities and outfalls; and provide onsite stream mitigation.

This work is associated with the SR 422 Cunningham Road project, with these encroachments located approximately 3.2 miles west of Indiana in Armstrong Township, Indiana County (Elderton PA quadrangle; North 1.3 inches and West 16.5 inches; Latitude 40° 37' 58.4" and Longitude -79° 14' 51.72").

*District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E4129-101: Regency Marcellus Gas Gathering, LLC**, 101 West Third Street, Williamsport, PA 17701, Cummings Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) one 8-inch gas pipeline and a timber mat bridge impacting 48 linear feet of First Fork Larrys Creek (EV) and 102 square feet of adjacent palustrine forested (PFO) wetlands. (Waterville, PA Quadrangle 41°20'39"N 77°18'06"W).

The project will result in a total of 48 linear feet of stream impacts and 0.002 acre of wetland impacts all for the purpose of installing natural gas gathering line and access roadway to a natural gas well site for Marcellus well development.

## DAM SAFETY

*Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**95-7-37312-32: CNX Gas Company LLC**, 280 Indian Springs Rd Ste 333, Indiana, PA 15701, proposes a project to operate and maintain ACAA Centralized Impoundment #2 as a centralized wastewater impoundment to store 29.3 ac-ft or 9.56 MGs fracturing fluids for the one ACAA well (4J) and future other wells in the vicinity area. This site is located nearby UNTs to Montour Run (TSF) at Latitude: N 40° 28' 43.59" and Longitude: W 80° 14' 54.36", in PA Quadrangle: Oakdale, Findlay Township, **Allegheny County**, Pittsburgh ACOE District, and State Water Plan Subbasin 20G (Upper Ohio River Watershed (TSF)).

**95-7-60915-30: Range Resources—Appalachia LLC**, 3000 Town Center Boulevard, Canonsburg, PA 15317, proposes a project to operate and maintain the Pa.Was.Jef.RL.00033 (aka Jefferson Twp. 33) Impoundment as a centralized wastewater impoundment to collect and store 29.1 ac-ft or 9.5 MGs of fracturing fluids and freshwater for the use and re-use of hydraulic fracturing water, for one Harmon Creek A well (3H) and future other wells in the vicinity area. This site is located nearby UNTs to Parmar Run (designated use not identified: WV) and UNTs to Scott Run (WWF; PA) and at Latitude: N 40° 19' 49.67", Longitude: W 80° 30' 57.14" in WV Quadrangle: Steubenville East, Jefferson Township, **Washington County**. Pittsburgh ACOE District, and State Water Plan Subbasin 20D (Raccoon Creek Watershed (WWF)).

**95-7-37312-31: CNX Gas Company LLC**, 280 Indian Springs Rd Suite 333, Indiana, PA 15701, proposes a project to operate and maintain ACAA Centralized Impoundment #1 as a centralized wastewater impoundment to store 45.8 ac-ft or 14.9 MGs of fracturing fluids for the one ACAA well (4J) and other future wells in the vicinity

area. This site is located nearby UNTs to Montour Run (TSF) at Latitude: N 40° 28' 31.44" and Longitude: W 80° 14' 48.84", in PA Quadrangle: Oakdale, Findlay Township, **Allegheny County**, Pittsburgh ACOE District, and State Water Plan Subbasin 20G (Upper Ohio River Watershed (TSF)).

## ACTIONS

### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

#### I. NPDES Renewal Permit Actions

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0009326—IW	Motts LLP 45 Aspers North Road PO Box 68 Aspers, PA 17304	Adams County/ Menallen Township	Opossum Creek/7-F	Y



*Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0038865 (Sewage)	Zerbe Township Wastewater Treatment Plant 800 Mahanoy Street Trevorton, PA 17881	Northumberland County Zerbe Township	Zerbe Run (6-B)	N

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0253774 (Sewage)	Hill Properties LLC SFTF 300 Alton Hill Drive Eighty Four, PA 15330	Washington County Somerset Township	North Branch Pigeon Creek (19-C)	Y

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0100927 (Sewage)	Town Terrace Inn 7860 W Ridge Road Fairview, PA 16415	Erie County Fairview Township	Trout Run (15)	Y

## **II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions**

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**NPDES Permit No. PA0028380**, Sewage, **Tinicum Township, Memorial Building**, 629 North Governor Printz Boulevard, Essington, PA 19029.

This proposed facility is located in Tinicum Township, **Delaware County**.

Description of Action/Activity: To discharge from a facility known as Tinicum Township WWTP to Darby Creek and Long Hook Creek in Watershed(s) 3-G.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**NPDES Permit No. PA0025551**, Sewage, SIC Code 7033, **USDA Forest Service**, 4 Farm Colony Drive, Warren, PA 16365.

This existing facility is located in Mead Township, **Warren County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage. The monitoring frequency for total residual chlorine, dissolved oxygen and pH were changed to 4/week and the sample type for CBOD<sub>5</sub>, total suspended solids, ammonia nitrogen, total nitrogen and total phosphorus sample types were changed to grab after the draft comment period.

## **III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law**

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900*

**WQM Permit No. 1515402**, Sewage, **East Whiteland Township**, 209 Conestoga Road, Frazer, PA 19355.

This proposed facility is located in East Whiteland Township, **Chester County**.

Description of Action/Activity: Construction and operation of a new pump station to service the needs of Phase 1.

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**WQM Permit No. 0706403, Amendment No. 1**, Sewerage, **Bureau of State Parks**, PO Box 8551, Harrisburg, PA 17105-8451.

This proposed facility is located in Frankstown Township, **Blair County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewage facilities consisting of the replacement of the existing comminutor and the bypass bar screen with a new mechanical bar screen and a new stainless steel bypass bar screen at the Canoe Creek State Park.

*Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.*

**WQM Permit No. 01081501**, Sewage, SIC Code 4952, **Weaver Manford**, 21 Johnson Street, Waverly, NY 14892-1302.

This proposed facility is located in Burlington Township, **Bradford County**.

Description of Proposed Action/Activity: Construction and operation of a new SRSTP to replace a malfunctioning on-lot system.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**WQM Permit No. WQG01251506**, Sewage, **Joseph E Pfeiffer**, 9436 Wildman Road, Erie, PA 16510.

This proposed facility is located in Greenfield Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

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#### **VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

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*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI023515002	Mt Cobb DG, LLC 361 Summit Blvd Suite 110 Birmingham, AL 35243	Lackawanna	Jefferson Township	West Branch of Wallenpaupack Creek (HQ-CWF, MF)
PAI025214003	Pennsylvania Department of Transportation	Pike	Dingman and Blooming Grove Townships	York Creek (HQ-CWF, MF), Shohola Creek (HQ-CWF, MF), McConnell Creek (HQ-CWF, MF), Birchy Creek (HQ-CWF, MF), East Birchy Creek (HQ-CWF, MF), Maple Brook (HQ-CWF, MF), Rattlesnake Creek (HQ-CWF, MF), East Branch Rattlesnake Creek (HQ-CWF, MF), Raymondskill Creek (HQ-CWF, MF)

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI052614002	Pennsylvania Department of Transportation 825 North Gallitin Avenue Uniontown, PA 15401	Fayette County	Wharton Township	Deadman Run (HQ-CWF)
PAI056314010	First Pennsylvania Resources, LLC 380 Southpointe Boulevard, Plaza II, Suite 405, Canonsburg, PA 15317	Washington County	West Finley Township	Robinson Fork (WWF), Beham Run (WWF)

*Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

*Jefferson County Conservation District, 1514 Route 28, Brookville, PA 15825*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI063314004	PA Fish & Boat Commission 450 Robinson Lane Bellefonte, PA 16823	Jefferson	Washington Township	UNT Falls Creek HQ-CWF

*Warren County Conservation District, 300 Hospital Drive, Suite D, Warren, PA 16365*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI066214001	PA DCNR Park Region 1 262 Sizerville Road Emporium, PA 16834	Warren	Pleasant Township	West Branch Tionesta Creek HQ-CWF

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#### **VII. Approvals to Use NPDES and/or Other General Permits**

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The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

**List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

*General Permit Type—PAG-02**Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Wright Township Luzerne County	PAG02004015008	Cardinal Glass Industries, Inc. Steven Marti 700 Pat Kennedy Way Towanda, PA 16841	UNT to Big Wapwallopen Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Butler Township Luzerne County	PAG02004015007	The Butler Township Supervisors Maryanne Petrilla 415 West Butler Drive Drums, PA 18222	Little Nescopeck Creek (CWF, MF)	Luzerne Conservation District 570-674-7991

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Derry Township Dauphin County	PAG02002215001(1) Issued	M S Hershey Foundation 63 West Chocolate Avenue Hershey, PA 17033	Swatara Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Lower Paxton Township Dauphin County	PAG02002215032 Issued	Williams Holding Group, LLC 2325 Paxton Church Road Harrisburg, PA 17110	Spring Creek (W)/ CWF-MF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
York Township York County	PAG02006715037 Issued	Burrow Road Associates, LP 12 Valley Road, Suite C Jacobus, PA 17407	Barshinger Creek/CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430

*Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*York Township  
York CountyPAG02006715022  
IssuedBiscayne Townhomes, LP  
4400 Bridgeview Road  
Stewartstown, PA 17363Barshinger  
Creek/CWFYork County  
Conservation District  
118 Pleasant Acres  
Road  
York, PA 17402  
717-840-7430West Manheim  
Township  
York CountyPAG02006715063  
IssuedACNB Bank  
PO Box 3129  
Gettysburg, PA 17325UNT to Indian  
Run/WWFYork County  
Conservation District  
118 Pleasant Acres  
Road  
York, PA 17402  
717-840-7430West Manheim  
Township  
York CountyPAG02006715003  
IssuedJ.A. Myers Building and  
Development Inc.  
160 Ram Drive  
Hanover, PA 17331Furnace Creek/WWF,  
MF and West  
Branch Codorus  
Creek/WWF, MFYork County  
Conservation District  
118 Pleasant Acres  
Road  
York, PA 17402  
717-840-7430*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3636**Facility Location &  
Municipality**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*Centre County  
Philipsburg Boro

PAG02001415017

Philipsburg-Osceola Area  
School District  
200 Short St  
Philipsburg, PA 16866Moshannon Creek  
TSF, MFCentre County  
Conservation District  
414 Holmes Ave Ste 4  
Bellefonte, PA 16823  
(814) 355-6817Clearfield County  
Decatur Twp

PAG02001715007

Clearfield Creek Watershed  
Assoc  
216 Beldin Hollow Rd  
Ashville, PA 16613Morgan Run  
CWFClearfield County  
Conservation District  
511 Spruce St Ste 6  
Clearfield, PA 16830  
(814) 765-2629Snyder County  
Union Twp

PAG02005515014

James Stahl  
4089 Produce Rd  
Selinsgrove, PA 17870UNT to Silver Creek  
WWF, MFSnyder County  
Conservation District  
403 W Market St  
Middleburg, PA  
17842  
(570) 837-3000 X110Tioga County  
Rutland Twp

PAG02005915004

Murus Company  
3234 Route 549  
Mansfield, PA 16933Mill Creek  
TSF, MFTioga County  
Conservation District  
50 Plaza Ln  
Wellsboro, PA 16901  
(570) 724-1801 X 5*Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.**Facility Location and  
Municipality**Permit No.**Applicant Name and  
Address**Receiving  
Water/Use**Contact Office and  
Phone No.*Portage Township  
Cambria County

PAG02001115010

Portage Township  
Supervisors  
416 Miller Shaft Road  
Portage, PA 15946Little Conemaugh  
(CWF)Cambria County  
Conservation District  
401 Candlelight  
Drive, Suite 221  
Ebensburg, PA 15931  
(814) 472-2120

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Richland Township Cambria County	PAG02001115012	Johnstown Construction Services, LLC 124 Donald Lane Johnstown, PA 15904	UNT to Little Paint Creek (CWF)	Cambria County Conservation District 401 Candlelight Drive, Suite 221 Ebensburg, PA 15931 (814) 472-2120
City of Johnstown Cambria County	PAG02001115013	Carlos Gunby 401 Main Street Johnstown, PA 15901	Conemaugh River (WWF); Hinkston Run (WWF)	Cambria County Conservation District 401 Candlelight Drive, Suite 221 Ebensburg, PA 15931 (814) 472-2120
Morgan Township Greene County	PAG02003015004	Southwestern Pennsylvania Water Authority 1442 Jefferson Road P. O. Box 187 Jefferson, PA 15344	South Fork Tenmile Creek, UNT South Fort Tenmile Creek, UNT Ruff Creek, Grimes Run (WWF)	Greene County Conservation District, 22 West High Street, Suite 204 Waynesburg, PA 15370 (724) 852-5278
Cumberland Township Greene County	PAG02003015003	D. J. Realty Holdings 15 Industrial Park Carmichaels, PA 15320	Little Whiteley Creek (WWF)	Greene County Conservation District, 22 West High Street, Suite 204 Waynesburg, PA 15370 (724) 852-5278
Armstrong Township Indiana County	PAG02003215004	Pennsylvania Department of Transportation 2550 Oakland Avenue P. O. Box 429 Indiana, PA 15701	Curry Run (CWF); UNT to Curry Run (CWF)	Indiana County Conservation District, 625 Kolter Drive, Suite 8 Indiana, PA 15701-3571 (724) 471-1506
Black Township Somerset County	PAG02005615003	Pennsylvania Department of General Services Arsenal Building, Second Floor 18th and Herr Streets Harrisburg, PA 17125	UNTB to Coxes Creek (WWF)	Somerset County Conservation District Somerset County Ag Center 6024 Glades Pike, Suite 103 Somerset, PA 15501 (814) 445-4652
Cecil Township Washington County	PAG02006315023	Canon-McMillan School District One North Jefferson Avenue Canonsburg, PA 15317	UNT to Brush Run (WWF)	Washington County Conservation District, Suite 105 2800 North Main Street, Washington, PA 15301 (724) 705-7098
Union Township Washington County	PAG02006315027	W. G. Tomko, Inc. 2559 State Route 88 Finleyville, PA 15332	UNT to Peters Creek (TSF)	Washington County Conservation District, Suite 105, 2800 North Main Street, Washington, PA 15301 (724) 705-7098



# NOTICES

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Fallowfield Township Washington County	PAG02006315028	Gulisek Construction, LLC 1145 State Route 31 Mount Pleasant, PA 15666	Maple Creek (WWF)	Washington County Conservation District, Suite 105, 2800 North Main Street, Washington, PA 15301 (724) 705-7098
Smith Township Washington County	PAG02006315029	MarkWest Liberty Midstream & Resources, LLC, 4600 J. Barry Court, Suite 500 Canonsburg, PA 15317	UNT to Raccoon Creek (WWF)	Washington County Conservation District, Suite 105, 2800 North Main Street, Washington, PA 15301 (724) 705-7098
Jackson Township Butler County	PAG02001013034(1)	MarkWest Liberty Bluestone LLC 4600 J. Barr Court, Suite 500 Canonsburg, PA 15317	Connoquenessing Creek WWF	Butler County Conservation District 724-284-5270
Cherry Township Butler County	PAG02001015028	Iron Mountain Information Management LLC Attn: Mr. Dionysius Annines 1137 Branchton Road Boyer, PA 16020	UNT Slippery Rock Creek CWF	Butler County Conservation District 724-284-5270
Clarion Borough Clarion County	PAG02001615007	JC Bar Development LLC 415 Fallowfield Rd Suite 301 Camp Hill, PA 17011	Trout Run CWF	Clarion County Conservation District 814-297-7813
Ridgway Township Elk County	PAG02002415005	Aiello Land & Development Group LLC 205 Main Street Ridgway PA 15853 & Allison & Associates 611 Division Drive Dubois, PA 15801-2531	Gallagher Run CWF	Elk County Conservation District 814-776-5919
Northeast Township Erie County	PAG02002515011(1)	Bay Valley Foods 11160 Parkway Drive North East, PA 16428	UNT Lake Erie CWF	Erie County Conservation District 814-825-6403
Washington Township, Butler County	PAG02091015008	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Unnamed Tributary to Slippery Rock Creek (CWF)	Attention: Patrick M. Webb PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800
Chartiers Township, Washington County	PAG02096315009	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Unnamed Tributary to Chartiers Run (WWF), Chartiers Run (WWF), and Westland Run (WWF)	Attention: Patrick M. Webb PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

*Central Office: Bureau of Abandoned Mine Reclamation, 400 Market Street, Floor 13, PO Box 69205, Harrisburg, PA 17106-9205*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Cooper Township, Clearfield County	PAG02-1017-15-004	BAMR P. O. Box 69205 Harrisburg, PA 17106-9205	UNT (CWF, MF) to Moshannon Creek (TSF, MF), and Grassflat Run (CWF, MF) to Moshannon Creek (TSF, MF) to West Branch Susquehanna River (WWF, MF) to Susquehanna River	BAMR P. O. Box 69205 Harrisburg, PA 17106-9205 717-787-7669

*General Permit Type—PAG-03*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Clearfield Borough Clearfield County	PAR204834	Forum US Inc. 1102 Industrial Park Road Clearfield, PA 16830-6020	West Branch Susquehanna River—8-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530

*General Permit Type—PAG-04*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Burlington Township Bradford County	PAG045291	Manford Weaver 21 Johnson Street Waverly, NY 14892-1302	Pond Run—4-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530
Greenfield Township Erie County	PAG041191	Pfeiffer Joseph E 9436 Wildman Road Erie, PA 16510	Unnamed Tributary of Sixmile Creek—15-A	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street, Meadville, PA 16335-3481 814.332.6942

*General Permit Type—PAG-8 (SSN)*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Minersville Schuylkill County	PAG082220	Minersville Sewer Authority 2 East Sunbury Street Minersville, PA 17954	Minersville Sewer Authority State Route 901 Minersville, PA 17954	PA DEP NERO 2 Public Square Wilkes-Barre, PA 18701-1915 (570) 826-2511

## STATE CONSERVATION COMMISSION

### NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

#### NUTRIENT MANAGEMENT PLAN PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
William & Karol Wingert 5497 Shade Lane Alexandria, PA 16611	Huntingdon	1,505.5 acres	1,839.63 AEU's	Dairy	Pike Run, Henry's Run, Shavers Creek, Fox Run: HQ-CWF	Approved

#### CAFO NMP PUBLIC NOTICE SPREADSHEET—ACTIONS (Approval/Disapproval)

<i>Agricultural Operation (Name and Address)</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units (AEUs)</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproval</i>
John Pfleeger 460 Gold Road Muncy, PA 17756	Northumberland	385.6	682.47	Hog Grower/Finsher Beef Steers	NA	Approved

### PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

#### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**Operations Permit #2315505** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010 [(PWSID)] Newtown Township, **Delaware County** on August 7, 2015 for the operation of GridBee Tank Mixer and Floating Spray Nozzle THM Removal System at the Mitchell Tank facilities approved under construction permit #2315502.

**Operations Permit #4615508** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010 [(PWSID)] Perkiomen Township, **Montgomery County** on July 24, 2015 for the operation of Well No. 3 at Rahn's Well Station facilities approved under construction permit #4613509.

**Operations Permit #1515520** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010 [(PWSID)] Honey Brook Township, **Chester County** on July 27, 2015 for the operation of Replacement of Pumps and Modifications to Grandstaff Booster Station facilities approved under construction permit #1514501.

**Operations Permit #1515522** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010 [(PWSID)] East Marlborough Township, **Chester County** on August 4, 2015 for the operation of GridBee Spray and Submersible Tank Mixing Systems facilities approved under construction permit #1515508.

**Operations Permit #1515521** issued to: **Egan Enterprises, Inc.**, Brandywine Terrance MHP, P. O. Box 432, Douglassville, PA 19518, [(PWSID)] Honey Brook Township, **Chester County** on August 11, 2015 for the operation Three (3) 120 Gallon Contact Tanks and a 12 gpm Flow Restrictor of facilities approved under construction permit #1515516.

**Operations Permit #1515524** issued to: **Camphill Special School Beaver Farm**, 551 West Seven Stars Road, Phoenixville, PA 19460 [(PWSID)] East Vincent Township, **Chester County** on July 29, 2015 for the Certification of 4-Log Treatment of Viruses at Well No.1.

**Operations Permit #0915513** issued to: **Village of Buckingham Springs**, 1490 Durham Road, New Hope, PA 18938, [(PWSID)] Buckingham Township, **Bucks County** on August 17, 2015 for the operation of 60 Business Day Emergency Temporary Use of 6,000 Gallon Chlorine Contact Tank facilities approved under Emergency permit.

**Permit No. 0914522, Minor Amendment.** Public Water Supply.

Applicant	<b>Warminster Municipal Authority</b> 415 Gibson Avenue Warminster, PA 18974
Township	Warminster
County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	CKS Engineering, Inc. 88 South Main Street Doylestown, PA 18901
Permit to Construct Issued	July 23, 2015

**Permit No. 0915504, Minor Amendment.** Public Water Supply.

Applicant	<b>Bucks County Water Sewer Authority</b> 1275 Almshouse Road Warrington, PA 18976
Borough	New Hope
County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	Carroll Engineer Corporation Penn Greene, Suite 100 949 Easton Road Warrington, PA 18976-1880
Permit to Operate Issued	July 31, 2015

**Permit No. 4615503, Minor Amendment.** Public Water Supply.

Applicant	<b>North Penn Water Authority</b> 300 Forty Foot Road Lansdale, PA 19446
Township	Franconia
County	<b>Montgomery</b>
Type of Facility	PWS
Consulting Engineer	Ebert Engineering, Inc. P. O. Box 540 Skippack, PA 19474
Permit to Operate Issued	August 26, 2015

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**Permit No. 3540012, Operations Permit,** Public Water Supply.

Applicant	<b>Tamaqua Area Water Authority</b> 320 East Broad St. Tamaqua, PA 18252
[Borough or Township]	Tamaqua Borough
County	<b>Schuylkill</b>
Type of Facility	PWS
Consulting Engineer	Dale Glatfelter, PE Gannett Flaming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100
Permit to Operate Issued	8/14/2015

**Permit No. 3540012, Operations Permit,** Public Water Supply.

Applicant	<b>Tamaqua Area Water Authority</b> 320 East Broad St. Tamaqua, PA 18252
[Borough or Township]	Tamaqua Borough
County	<b>Schuylkill</b>
Type of Facility	PWS
Consulting Engineer	Dale Glatfelter, PE Gannett Flaming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100



Permit to Operate 8/14/2015  
Issued

**Permit No. 2409010, Operation Permit, Public Water Supply.**

Applicant **Pennsylvania American Water Company**  
(Nesbitt Water System)  
800 West Hershey Park Drive  
Hershey, PA 17033

Municipality Pittston Township

County **Luzerne**

Type of Facility PWS

Consulting Engineer Scott M. Thomas, P.E.  
Pennsylvania American Water Company  
852 Wesley Drive  
Mechanicsburg, PA 17055

Permit to Operate September 4, 2015  
Issued

**Permit No. 3480052, Operations Permit, Public Water Supply.**

Applicant **Hellertown Borough Authority**  
P. O. Box 81  
501 Durham St.  
Hellertown, PA 18055

[Borough or Township] Hellertown Borough

County **Northampton**

Type of Facility PWS

Consulting Engineer Dennis G. Tracey, PE  
Buchart Horn, Inc.  
2 Eves Dr., Suite 110  
Marlton, NJ 08053

Permit to Operate 8/17/2015  
Issued

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit No. 2215503 MA, Minor Amendment, Public Water Supply.**

Applicant **United Water Pennsylvania**

Municipality Hummelstown Borough

County **Dauphin**

Responsible Official John D. Hollenbach, Vice President  
4211 East Park Circle  
Harrisburg, PA 17111-0151

Type of Facility Installation of an air ejector system and valve assembly on each filter train at the Hummelstown Treatment Plant.

Consulting Engineer Mark C. Baker, P.E.  
United Water Pennsylvania, Inc.  
4405 North 6th Street  
Harrisburg, PA 17110

Permit to Construct 8/21/2015  
Issued

**Permit No. 0515503 MA, Minor Amendment, Public Water Supply.**

Applicant **Fishertown Water Association**

Municipality East St. Clair Township

County **Bedford**

Responsible Official John Comp, Operator  
PO Box 149  
Fishertown, PA 15539

Type of Facility Installation of PAX mixer in the 150,000 gallons finished water storage tank.

Consulting Engineer Jason G. Saylor, P.E.  
Utility Service Group, Inc.  
535 Courtney Hodges Boulevard  
Perry, GA 31069

Permit to Construct 8/24/2015  
Issued

**Comprehensive Operation Permit No. 7010348** issued to: **Liberty Mountain Resort (PWS ID No. 7010348)**, Carrol Valley Borough, **Adams County** on 9/4/2015 for the operation of facilities approved under Construction Permit No. 0114505.

**Operation Permit No. 3061145** issued to: **Rajah Shrine (PWS ID No. 3061145)**, Maidencreek Township, **Berks County** on 8/25/2015 for facilities submitted under Application No. 3061145.

**Permit-By-Rule** issued to: **Glacier Water Services, Inc. (PWS ID No. 7676468)**, York County on 8/27/2015 for facilities submitted under Application No. 1086041.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**Permit No 4115506—MA-Operation—Public Water Supply.**

Applicant **Lycoming County Water & Sewer Authority**

Township/Borough Muncy Township

County **Lycoming**

Responsible Official Christine Weigle, Executive Director  
Lycoming County Water & Sewer Authority  
380 Old Cement Road  
P. O. Box 186  
Montoursville, PA 17754

Type of Facility Public Water Supply

Consulting Engineer David M. Swisher  
Herbert, Rowland and Grubic, Inc.  
474 Windmere Drive, Suite 100  
State College, PA 16801

Permit Issued September 8, 2015

**Description of Action** Authorizes use of the new, higher capacity well pump and new variable frequency drive control that have been installed in Well PW-1 to allow for temporary testing of Well PW-1 as authorized in an approved aquifer testing plan. Immediately upon ending aquifer testing, pumping of the well may not exceed the permitted amount of 60 gpm. You are reminded that your groundwater rule permit still applies and the flow rate through entry point 100 should never exceed 60 gpm.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Permit No. 0315504MA, Minor Amendment.** Public Water Supply.

<b>Applicant</b>	<b>Cowanshannock Township Municipal Authority</b> PO Box 127 NuMine, PA 16224
[Borough or Township]	Plumcreek Township
<b>County</b>	<b>Armstrong</b>
<b>Type of Facility</b>	Interconnection
<b>Consulting Engineer</b>	Bankson Engineers, Inc. Suite 200 267 Blue Run Road Cheswick, PA 15024
<b>Permit to Construct Issued</b>	September 3, 2015

**Permit No. 3015506MA, Minor Amendment.** Public Water Supply.

<b>Applicant</b>	<b>Southwestern Pennsylvania Water Authority</b> PO Box 187 1442 Jefferson Road Jefferson, PA 15344
[Borough or Township]	West Bethlehem Township
<b>County</b>	<b>Washington</b>
<b>Type of Facility</b>	Jefferson Avenue waterline replacement
<b>Consulting Engineer</b>	Bankson Engineers, Inc. Suite 200 267 Blue Run Road Cheswick, PA 15024
<b>Permit to Construct Issued</b>	September 3, 2015

*Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Interim Operation Permit** issued to **Borough of Wampum, PWSID No. 6370032**, Wampum Borough, **Lawrence County**. Permit Number 3714502 Interim Operation 2 issued September 2, 2015 for the interim operation of the Clyde Street Extension Well 5 Water Treatment Facility (EP101). This permit is issued in response to your request to operate the recently modified Clyde Street Extension Well 5 Water Treatment Facility

and an interim operation inspection conducted by Department of Environmental Protection personnel on August 13, 2015.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

#### Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

##### Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Pittston Township	Jenkins Township 421 Broad Street Pittston, PA 18640 46 1/2 Main Street Pittston, PA 18640-3103	Luzerne

*Plan Description:* The Department of Environmental Protection (DEP) is approving the Minor Act 537 Update Revision—Component 3M Sewage Facilities Planning Module based on the following information, submittals and understandings:

- The Minor Act 537 Update Revision—Component 3M Sewage Facilities Planning Module consisting of the following submissions: July, 2013 (received by the Department on July 29, 2013), with additional information dated November 2013 (received by the Department on November 7, 2013), October 2014 (received by the Department on October 15, 2014), February 24, 2015 (received by the Department on February 26, 2015), August 13, 2015 (received by the Department on August 13, 2015), August 20, 2015 (received by the Department on August 21, 2015), August 24, 2015 (received by the Department on August 24, 2015) and August 25, 2015 (received by the Department on August 25, 2015), prepared by Penn-Eastern Engineers, LLC., on behalf of the Sewer Authority of Pittston Township (Authority) for Pittston and Jenkins Townships, and entitled Planning Module—Suscon Road Area Sanitary Sewer Extension.

- There will be project cost decreases associated with rebidding the contacts for construction allowing for a longer construction schedule;

- Some of the soft costs have already been paid to reduce the loan amount;

- The Authority will allocate additional funds to reduce the loan amount;

- The Authority is obtaining more favorable lending terms for repayment of the project loan amount; and

- Grant funds may be paid out after November 23, 2015.

The scope of the project will not be less than or extend beyond the description included in Section F—Project Narrative of the Module.

Implementation of the selected wastewater disposal alternative and operation of the proposed facilities will be performed by the Sewer Authority of the Township of Pittston.

Financing of the proposed wastewater conveyance system improvements is to be provided by a grant from the Commonwealth of Pennsylvania, Commonwealth Financing Authority and a loan through a local lending institution.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Stagecoach Junction CF**, Turkey Path Road, Wyalusing, **Bradford County**. Apex Companies, LLC, 20 Valley Stream Parkway, Suite 270, Malvern, PA 19355, on behalf of Appalachia Midstream, LLC, 400 IST Center, Horseheads, NY 14845 submitted a Final Report concerning remediation of site soils contaminated with Methanol. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Ogontz East Compressor Station**, 956 Gibraltar Road, Cummings Township, **Lycoming County**. EnviroTrac, Ltd., 8133 Easton Road, Ottsville, PA 18942 on behalf of Energy Transfer Partners, L.P., 101 W. Third Street, Williamsport, PA 17701 submitted a Final Report concerning remediation of site soils contaminated with Fuel Oil Nos. 4, 5, and 6, Lubrication Oils and Fluids,

brine, ethylene glycol, and diethylene glycol. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Doris's Cafe**, 437 South Queen Street, York, PA 17403, City of York, **York County**. EnviroSure, Inc., 319 South High Street, Suite 1, West Chester, PA 19382, on behalf of Queen Street Associates, LP, PO Box 1534, Hockessin, DE 19707, submitted a Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with leaded and unleaded gasoline. The combined report is intended to document remediation of the site to meet a combination of Residential Statewide Health and Site Specific Standards.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Franklin Bronze & Alloy**, 655 Grant Street, City of Franklin, **Venango County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of Franklin Bronze & Alloy, 655 Grant Street, Franklin, PA 16323 submitted a Final Report concerning the remediation of site soil contaminated with Arsenic, Nickel and site groundwater contaminated with Arsenic. The report is intended to document remediation of the site to meet a combination of Site-Specific and Statewide Health Standards.

**PTM LP (Sheetz)**, 331 West Central Avenue, City of Titusville, **Crawford County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16602, on behalf of Sheetz, Inc., 5700 Sixth Avenue, Altoona, PA 16601, submitted a Remedial Investigation/Final Report concerning the remediation of site groundwater contaminated with Benzene, Toluene, Ethylbenzene, Xylenes, Cumene, Naphthalene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, 1,2-Dibromoethane, 1,2-Dichloroethane, and Lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Guardian Industries Corp.**, 1000 Glasshouse Road, Jefferson Hills Borough, **Allegheny County**. ARCADIS U.S. Inc., 6041 Wallace Road Extension, Suite 300, Wexford, PA 15090 on behalf of Guardian Industries Corp., 2300 Harmon Road, Auburn Hills, Michigan 48326 has submitted a Final Report concerning the remediation of site soils and groundwater contaminated with aluminum, arsenic, cobalt, iron, manganese, selenium, lead, 1,2-dichloroethane, benzene, and 2-methylnaphthalene and separate phase liquid hydrocarbons. The Final Report is intended to document remediation of the site to meet the Site Specific standard. Notice of the Final Report was published in the *Pittsburgh Post-Gazette* on August 4, 2015.

**XTO Energy—Clark McLaughlin #4 Well Site**, Banks Township, **Indiana County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Twp., PA 16066 on behalf of XTO Energy, Inc., 395 Airport Road, Indiana, PA 15701 has submitted a Notice of Intent to Remediate to meet a combination of Site Specific and Statewide Health standards, concerning site soils contaminated with chloride, aluminum, barium, boron, lithium, manganese, strontium, vanadium, zinc and selenium from a release of brine. The NIR indicated



the site is expected to remain a natural gas production well site. Notice of the NIR was published in the *Punxsutawney Spirit* on August 10, 2015.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995  
PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Stagecoach Junction CF**, Turkey Path Road, Wyalusing Township, **Bradford County**. Apex Companies, LLC,

20 Valley Stream Parkway, Suite 270, Malvern, PA 19355, on behalf of Appalachia Midstream, LLC, 400 IST Center, Horseheads, NY 14845 submitted a Final Report concerning the remediation of site soils contaminated with Methanol. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on August 26, 2015.

*Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Northeast Compressor Station**, 432 Upper Mountain Valley Road, Liberty Township **Susquehanna County**. Resource Environmental, 50 Maple Street, Montrose, PA 18801 on behalf of Williams Field Services Company, LLC, 310 State Route 29, Tunkhannock, PA 18657 submitted a Final Report concerning the remediation of site soils contaminated with lubricating oil. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on September 3, 2015.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**J. J. Hamilton No. 20**, Hamilton Markton Road, Perry Township, **Jefferson County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066 on behalf of XTO Energy, Inc., 395 Airport Road, Indiana, PA 15701, submitted a Remedial Investigation/Final Report concerning the remediation of site soil contaminated with Aluminum, Barium, Boron, Iron, Lithium, Manganese, Selenium, Vanadium, Zinc, and Chloride. The Report was disapproved by the Department on July 10, 2015.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Former Allied Chemical Disposal Site**, Allegheny Ave. (situated Fifth Street), Newell Borough, **Fayette County**. Woodard & Curran, 300 Penn Center Boulevard, Suite 800, Pittsburgh, PA 15235 on behalf of Chemtrade Solutions, LLC. (formerly General Chemical, LLC.) 90 East Halsey Road, Parsippany, New Jersey 07054 submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with volatile and semi-volatile organic compounds (VOC's & SVOC's), metals, heavy metals and inorganics. The Remedial Investigation Report was approved by the department on September 1, 2015.

### DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Application(s) for Determination of Applicability approved Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**General Permit Application No. WMGR017, Program I.D. WMGR017-D003, Custom Ag Service**, 327 Stackstown Road, Marietta, PA 17547 (East Donegal Township, **Lancaster County**). A General Permit Deter-



mination of Applicability (DOA) for the beneficial use of water treatment plant sludge as a soil additive via land application at multiple locations in **Northampton, Lackawanna, Luzerne and Wayne Counties**. The DOA application was approved on August 26, 2015.

Persons interested in reviewing the permit may contact Roger Bellas, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**GP3-36-03161: Compass Quarries Inc.** (638 Lancaster Avenue, Malvern, PA 19355) on September 1, 2015, for a portable nonmetallic mineral processing plant under GP3 at the Paradise Quarry, in Paradise Township, **Lancaster County**.

**GP11-36-03161: Compass Quarries Inc.** (638 Lancaster Avenue, Malvern, PA 19355) on September 1, 2015, for one nonroad engine under GP11, to power portable nonmetallic mineral processing equipment at the Paradise Quarry, in Paradise Township, **Lancaster County**.

**GP1-28-03054: D.L. George & Son Mfg., Inc.** (20 East 6th Street, Waynesboro, PA 17268) on August 28, 2015, for two (2) existing natural gas-fired boilers, rated at 19.9 MMBtus each, under GP1, at their facility in Waynesboro Borough, **Franklin County**. The general permit authorization was renewed.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**09-0232: Sigmapharm Laboratories LLC**, (3375 Progress Drive, Bensalem, PA 19020) On August 26, 2015, for the usage of Isopropyl Alcohol (IPA) for clean-up operations at the facility located in Bensalem Township, **Bucks County**. The facility does not maintain any other air quality permits. The facility has a potential to emit 6.42 tons volatile organic compounds (VOCs) per year from the clean-up operations. All emissions from the clean-up operations are fugitive. The plan approval contains monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**06-05002I: Lehigh Cement Company, LLC** (537 Evansville Road, Fleetwood, Pennsylvania 19522-8541) on September 2, 2015, for the replacement of the two (2) existing Fuller fabric filter dust collectors (Control Ids C25 & C26), currently capturing and controlling emissions generated by Clinker Coolers No.1 & 2 (Source Ids 125 & 126), with two (2) approximately 115,730 acfms Dustex fabric filter dust collectors (or equivalent) and associated exhaust stacks, at their cement manufacturing facility in Maiden Creek Township, **Berks County**. The plan approval was extended.

**67-05030F: CP Converters, Inc.** (15 Grumbacher Road, York, PA 17406) on September 1, 2015, for the construction and temporary operation of a new flexographic printing press controlled by a regenerative thermal oxidizer, at the printing facility in Manchester Township, **York County**. The plan approval was extended.

**36-05107E: Pepperidge Farm, Inc.** (2195 N. Reading Road, Denver, PA 17517-9112) on September 3, 2015, to install a bread line controlled by a catalytic oxidizer at the Pepperidge Farm, Inc. bakery located in East Cocalico Township, **Lancaster County**. The plan approval was extended.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6328*

**10-381B: Mountain Gathering LLC, Forward Compressor Station** (810 Houston Street, Fort Worth, TX 76102-6203) on September 1, 2015, effective September 30, 2015, will issue a plan approval extension for the modification of facility wide VOC limits, short term VOC and formaldehyde emission limits for sources 101 through 108 and the addition of a Section C condition specifying the equipment authorized for installation at the facility. These modifications were required by the December 3, 2013 Settlement Agreement by and among The Group Against Smog and Pollution, Inc. (GASP), Mountain Gathering LLC (Mountain Gathering) and the Department. This facility is a compressor station, located at 275 Powder Mill Road, Renfrew, PA 16053, in Forward Township, **Butler County**. Upon completion of this project, this facility will be issued a state only operating permit.

**25-179C: Erie City Sewer Authority** (68 Port Access Road, Erie, PA 16507-2202) on September 3, 2015, effective September 30, 2015, will issue a plan approval extension for the replacement of incinerator burners and the emergency bypass stack, rehabilitation of the existing wet electrostatic precipitators and replacement of three existing dewatering belt filter presses. This facility is located in the City of Erie, **Erie County**.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**36-5117: Dart Container Corp. of PA** (60 East Main Street, Leola, PA 17603) on September 1, 2015, for the expandable polystyrene foam container manufacturing facility located in East Lampeter Township, **Lancaster County**. The Title V permit was renewed.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**19-00027: Melick Aquafeeds, Inc.** (75 Orchard Drive, Catawissa, PA 17820-1301) on September 2, 2015, was issued a renewal state only operating permit for their Catawissa Fish Food Plant located in Catawissa Borough, **Columbia County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636*

**10-00360: Thompson Miller Funeral Home, Inc.**, (124 East North Street, Butler, PA 16001-4931). On August 24, 2015, the Department re-issued a Natural Minor Operating Permit for the crematory operations at this facility located in the City of Butler, **Butler County**.

This permit issuance incorporates Plan Approval Number 10-0360A which authorized the operation of a human remains crematory and an animal remains crematory. All applicable requirements from that plan approval have been incorporated into this proposed operating permit.

Potential emissions from this facility are as follows: Particulate Matter = 0.98 TPY (tons per year), CO = 1.40 TPY, NO<sub>x</sub> = 0.42 TPY, VOC = 0.42 TPY, and SO<sub>2</sub> = 0.35 TPY.

**16-00141: Kahles kitchens, Inc./Leeper** (P. O. Box 168, 7488 Route 36, Leeper, PA 16233) On August 25, 2015, the Department re-issued a Natural Minor Operating Permit to operate a wooden kitchen cabinet manufacturing facility, in Farmington Township, **Clarion County**. The facility's primary emission sources are the five (5) surface coating spray booths. The emissions of criteria pollutants from this facility are below major source levels. Source ID: 110—15 KW Emergency Generator and Source ID: 113—Air Compressor Engine are subject to the newly promulgated requirements of 40 CFR 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The latest version of that subpart has been attached to these sources.

The potential emissions from this facility are as follows. (All values are in tons/year.) Particulate Matter = 1.70, PM<sub>10</sub> = 1.52, PM<sub>2.5</sub> = 0.94, SO<sub>x</sub> = 0.15, NO<sub>x</sub> = 4.08, CO = 4.27, VOC = 24.49, Total HAPs = 9.07, Highest Individual HAP (Xylene) = 5.05.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**46-00032: SPS Technologies Inc.** (301 Highland Ave Jenkintown, PA 19046-2630) On August 17, 2015, located in Abington Township, **Montgomery County**. The amendment incorporates a change in the responsible official from Mr. Paul Dolan to Mr. Scott Wood. The minor operating permit modification is for the proposal of HAP emission limit at an existing facility and the removal of 40 CFR 63 Subpart DDDDD requirements. The permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

**09-00091: Columbia Lighting, Inc.** (1119 Beaver Street, Bristol, PA 19007) On September 4, 2015 for a minor modification to State Only Operating Permit 09-00091, for their facility located in Bristol Borough, **Bucks County**. The operating permit was modified to raise the set point temperature of the water spray activation system of their Burn-Off Oven from 1,500° F to 1,600° F in order to maintain a minimum secondary chamber temperature of 1,400° F, as required by their operating permit. This modification does not result in any significant increase in emissions for the source nor does it change any of the existing emission limits. This modification does not represent any physical change or change in method of operation. This minor modification is being processed in accordance with 25 Pa. Code § 127.462.

**15-00051: Allan A. Myers, L.P. dba Independence Construction Materials Devault Asphalt Plant:** (4045 State Road, Rte. 29 and Charlestown Rd., Devault, PA 19432) On September 4, 2015 for operation of its batch asphalt plant located in Charlestown Twp., **Chester County**. The issued State Only Operating Permit has been amended to incorporate a Change of Ownership (COO) and to revise the plant name to "Allan A. Myers dba Allan A. Myers Materials". Comments will only be taken on the changes covered in this notice.

**15-00052: Allan A. Myers, L.P. dba Independence Construction Materials Asphalt Plant** (410 Doe Run Rd. Coatesville, PA 19320) On September 4, 2015 for operation of its batch asphalt plant located in East Fallowfield Twp., **Chester County**. The issued State Only Operating Permit has been amended to incorporate a Change of Ownership (COO) and to revise the plant name to "Allan A. Myers dba Allan A. Myers Materials." Comments will only be taken on the changes covered in this notice.

**15-00118: Allan A. Myers, L.P. dba Independence Construction Materials Devault Quarry** (4042 State Road, Rte. 29 and Charlestown Rd., Devault, PA 19432) On September 4, 2015 for operation of its quarry located in Charlestown Twp., **Chester County**. The issued State Only Operating Permit has been amended to incorporate

a Change of Ownership (COO) and to revise the quarry name "Allan A. Myers dba Allan A. Myers Materials". Comments will only be taken on the changes covered in this notice.

**09-00006: U.S. Steel Corp.—Mon Valley Works** (400 Berdis Boulevard, Fairless Hills, PA 19030) for an Administrative Amendment to Title V Operating Permit No. 09-00006 for its Fairless Plant, which is located in Falls Township, **Bucks County**. The Administrative Amendment identifies a change to the responsible official and permit contact person for the facility.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**21-05053: Talen Renewable Energy LLC** (835 Hamilton Street, Suite 150, Allentown, PA 18101) on September 1, 2015, for the landfill gas-to-energy facility associated with the Cumberland County Landfill located in Hopewell Township, **Cumberland County**. The Title V permit was administratively amended in order to reflect a change of company name and mailing address.

**38-05035: Talen Renewable Energy LLC** (835 Hamilton Street, Suite 150, Allentown, PA 18101) on August 28, 2015, for the landfill gas-to-energy facility associated with the Greater Lebanon Landfill located in North Annville Township, **Lebanon County**. The Title V permit was administratively amended in order to reflect a change of owner name, mailing address, plant name, and contact person.

**38-05019: Talen Ironwood, LLC** (835 Hamilton Street, Suite 150, Allentown, PA 18101-2400) on August 28, 2015, for the electric generating facility located in South Lebanon Township, **Lebanon County**. The Title V permit was administratively amended in order to reflect a change of owner name, mailing address, plant name, and responsible official.

**06-05040: East Penn Manufacturing Co.** (PO Box 147, Lyon Station, PA 19536) on August 22, 2015, for the secondary lead smelting facility located in Richmond Township, **Berks County**. The Title V permit was administratively amended in order to incorporate the requirements of Plan Approval No.'s 06-05040B and 06-05040C.

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**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**46-00078: G-Seven LTD** (2289 N. Penn Road, Hatfield, PA 19440) On August 11, 2015, for the generation and expiration of the following ERCs that resulted from the permanent shut down of the facility. The ERCs shall expire on December 2, 2023:

VOC (3.16 tons), and NO<sub>x</sub> (0.08 ton).

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a).** The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

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### Coal Permits Issued

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**30831303 and NPDES No. PA0013511. Cumberland Coal Resources, LP**, (158 Portal Road, PO Box 1020, Waynesburg, PA 15370). To revise the permit for the Cumberland Mine in Center Township, **Greene County** and related NPDES permit to install one GOB-Ventilation Borehole (#60-6). Surface Acres Proposed 0.74. No additional discharges. The application was considered administratively complete on August 7, 2014. Application received March 13, 2014. Permit issued September 1, 2015.

**30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC**, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Bailey Mine & Prep Plant in Richhill Township, **Greene County** and related NPDES permit to connect the Gypsy Camp to 56 Drive Waterline to the 18C Waterline. Surface Acres Proposed 55.2. No additional discharges. The application was considered administratively complete on June 24, 2016. Application received April 16, 2015. Permit issued September 1, 2015.

**30841317 and NPDES No. PA0213517. Consol Pennsylvania Coal Company LLC**, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Enlow Fork Mine in Morris Township, **Greene County** and related NPDES permit to add surface acres for construction of a waterline from the E1 Bleedershaft to the C2 Borehole site. Surface Acres Proposed 21.3. No additional discharges. The application was considered administratively complete on May 6, 2015. Application received February 17, 2015. Permit issued September 4, 2015.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**Permit No. 56010104 and NPDES No. PA0249041. Wilson Creek Energy, LLC**, 1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface & auger mine to change the land use from Woodland to Pastureland in Jenner & Lincoln Townships, **Somerset County**, affecting 135.8 acres. Receiving streams: unnamed tributaries to/and Quemahoning Creek classified for the following use: cold water fishes. The first downstream potable



water supply intake from the point of discharge is Cambria-Somerset Authority Quemahoning SWI. Application received: June 16, 2015.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**Permit No. 54870101C2. Kuperavage Enterprises, Inc.,** (PO Box 99, Middleport, PA 17935), correction to an existing anthracite surface mine and refuse disposal operation to include refuse reprocessing and authorize support activities and mining through multiple unnamed tributaries of the Schuylkill River in Blythe Township, **Schuylkill County** affecting 638.0 acres, receiving streams: Bushey Creek and unnamed tributaries to Schuylkill River. Application received: August 12, 2011. Correction issued: September 3, 2015.

**Permit No. 54870101R5. Kuperavage Enterprises, Inc.,** (PO Box 99, Middleport, PA 17935), renewal of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Blythe Township, **Schuylkill County** affecting 638.0 acres, receiving streams: Bushey Creek and unnamed tributaries to Schuylkill River. Application received: December 11, 2013. Renewal issued: September 3, 2015.

**Permit No. 54870101GP104. Kuperavage Enterprises, Inc.,** (PO Box 99, Middleport, PA 17935), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54870101 in Blythe Township, **Schuylkill County**, receiving streams: Bushey Creek and unnamed tributaries to Schuylkill River. Application received: December 11, 2013. Permit issued: September 3, 2015.

**Permit No. 40050201R2. HUD, Inc. t/a Emerald Anthracite II,** (PO Box 27, Nanticoke, PA 18643), renewal of an existing anthracite coal refuse reprocessing operation in the City of Nanticoke and Newport Township **Luzerne County** affecting 83.6 acres, receiving stream: Newport Creek. Application received: May 27, 2015. Renewal issued: September 3, 2015.

**Permit No. 40050201GP104R. HUD, Inc. t/a Emerald Anthracite II,** (PO Box 27, Nanticoke, PA 18643), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40050201 in the City of Nanticoke and Newport Township, **Luzerne County**, receiving stream: Newport Creek. Application received: May 27, 2015. Renewal issued: September 3, 2015.

#### *Noncoal Permits Issued*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**43140801. Leali Brothers Excavating, Inc.** (2850 Industrial Road, Hermitage, PA 16148) Commencement, operation and restoration of a small industrial minerals mine in the City of Hermitage, **Mercer County**, affecting 5.7 acres. Receiving streams: Shenango River. Application received: December 8, 2014. Permit Issued: September 1, 2015.

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Issued*

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500*

**26154101. Wampum Hardware Co.** (636 Paden Road, New Galilee, PA 16141). Blasting activity permit for commercial development for the Uniontown Borrow Pit, located in South Union Township, **Fayette County**. Blasting permit issued: August 31, 2015.

**02154102. Wampum Hardware Co.** (636 Paden Road, New Galilee, PA 16141). Blasting activity permit for the construction of the Bedner Estates residential development, located in Upper St. Clair Township, **Allegheny County**. Blasting permit issued: September 2, 2015.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**Permit No. 35154104. Maurer & Scott Sales, Inc.,** (122 Thomas Street, Coopersburg, PA 18036), construction blasting at Bell Mountain Land Development in Dickson City Borough, **Lackawanna County** with an expiration date of August 31, 2017. Permit issued: August 31, 2015.

**Permit No. 36154135. Keystone Blasting Service,** (15 Hopeland Road, Lititz, PA 17543), construction blasting at The Meadows in Rapho Township, **Lancaster County** with an expiration date of August 30, 2016. Permit issued: August 31, 2015.

**Permit No. 40154107. Hayduk Enterprise, Inc.,** (257 Riverside Drive, Factoryville, PA 18419), construction blasting at Ostrowsky Home in Franklin Township, **Luzerne County** with an expiration date of December 31, 2015. Permit issued: August 31, 2015.

**Permit No. 45154105. Explosive Service, Inc.,** (7 Pine Street, Bethany, PA 18431), construction blasting at Germano Lot on Janet Street in Smithfield & Middle Smithfield Townships, **Monroe County** with an expiration date of August 20, 2016. Permit issued: August 31, 2015.

**Permit No. 36154136. Keystone Blasting Service,** (15 Hopeland Road, Lititz, PA 17543), construction blasting at Farm Fresh in East Hempfield Township, **Lancaster County** with an expiration date of December 30, 2015. Permit issued: September 1, 2015.

**Permit No. 36154137. Maine Drilling & Blasting, Inc.,** (P. O. Box 1140, Gardiner, ME 04345), construction blasting at Essex Court in Manheim Township, **Lancaster County** with an expiration date of August 27, 2016. Permit issued: September 1, 2015.

**Permit No. 38154119. Maine Drilling & Blasting, Inc.,** (P. O. Box 1140, Gardiner, ME 04345), construction blasting at Lickdale Warehouse in Union Township, **Lebanon County** with an expiration date of August 27, 2016. Permit issued: September 1, 2015.

**Permit No. 22154105. Abel Construction Co., Inc.,** (3925 Columbia Avenue, Mountville, PA 17554), construction blasting at Mountindale Phase 6 in Susquehanna Township, **Dauphin County** with an expiration date of August 27, 2016. Permit issued: September 2, 2015.

#### **FEDERAL WATER POLLUTION CONTROL ACT SECTION 401**

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).



Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501–508 and 701–704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Southeast Region: Waterway and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.*

**E23-515. Delaware County**, 201 W. Front Street, Media, PA 19063, Upper Darby Township, **Delaware County**; ACOE Philadelphia District.

To perform the below listed water obstruction and encroachment activities associated the construction of approximately one mile of a pedestrian walking trail and bike path in the floodway and floodplain of Darby Creek (TSF, MF). Specific water obstruction and encroachment are:

1. To construct and maintain approximately 10 feet wide asphalt paved trail running approximately 2,632 feet (from Station 26+66.86 to Station 52+98.36) which connects to an existing paved Creek Road forming the new construction aspect of the project.

2. To construct and maintain within an approximate 290 linear feet segment of the proposed trail length (from Station 42+40 to Station 45+30), removal of existing pavement and regrading to facilitate the construction of 5

feet wide grass shoulders on each side of the proposed trail within the specified segment.

3. To conduct excavation and fill activities and placement of retaining walls where feasible at various points along the length of the proposed trail leading to the designed finish grade within the floodway of the stream, to accommodate recommended AASHTO standards for safe bike slopes speed and stabilizing the stream banks at those points.

4. To construct and maintain where necessary to enhanced the aesthetics of the proposed trail, riparian buffer enhancement, streambanks restoration, landscaping, fences and railings etc.

The proposed trail commences just south of Swedish Cabin and runs in a southeasterly direction and ends approximately 300 feet northeast of North Marple Avenue in Upper Darby Township, Delaware County. (Meridian at the end of the River Reach near Marple Avenue Bridge-Latitude 39° 56' 05" Longitude 75° 17' 19").

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E15-857. 20 Moores Road Associates, L.P.**, 55 Country Club Drive, Downingtown, PA 19335-3060, East Whiteland Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain approximately 80 Linear Feet of new 8-inch sanitary sewer pipe across an Unnamed Tributary to Valley Creek (EV) for the purpose of connecting two new office buildings to the existing infrastructure.

The site is located on the campus of 20 Moores Road (Malvern, PA; Lat: 40.0309; Long. -75.3320).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E15-858. Planebrook Partners, LLC**, 2298 Horse-shoe Pike, Honey Brook, PA 19344, East Whiteland Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain approximately 151 linear feet of 8-inch gravity sewer line across an unnamed tributary to Valley Creek (EV) for the purpose of installing a regional pump station to serve a proposed town-house development.

The site is located southwest of the intersection of Planebrook Road and Fairway Drive (Malvern, PA USGS map; Lat. 40.0223; Long. -75.3438).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

*Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511*

**E52-245. Pennsylvania Department of Transportation Engineering District 4-0**, 55 Keystone Industrial Park, Dunmore, PA 18512. Blooming Grove and Dingman Townships, **Pike County**, Army Corps of Engineers Philadelphia District.

To authorize the following water obstructions and encroachments associated with roadway improvements along SR 0084:

1. To remove the existing structure and to construct and maintain a stream enclosure of a tributary to Shohola Creek (HQ-CWF, MF) consisting of a 265.5-foot long, 36-inch diameter pipe depressed 6-inches below streambed elevation with a riprap outlet apron.

2. To remove the existing structure and to construct and maintain a stream enclosure of a tributary to Shohola Creek (HQ-CWF, MF) consisting of a 111.8-foot long, 24-inch diameter pipe depressed 6-inches below streambed elevation with a riprap outlet apron.

3. To remove the existing structure and to construct and maintain a stream enclosure of a tributary to Shohola Creek (HQ-CWF, MF) consisting of a 440-foot long, 48-inch diameter pipe depressed 6-inches below streambed elevation with a riprap outlet apron.

4. To remove the existing structure and to construct and maintain a stream enclosure of a tributary to Shohola Creek (HQ-CWF, MF) consisting of a 150-foot long, 36-inch diameter pipe depressed 6-inches below streambed elevation with a riprap outlet apron.

5. To remove the existing structure and to construct and maintain a stream enclosure of a tributary to Shohola Creek (HQ-CWF, MF) consisting of a 174-foot long, 36-inch diameter pipe depressed 6-inches below streambed elevation with a riprap outlet apron.

6. To remove the existing structure and to construct and maintain a stream enclosure of a tributary to Birch Creek (HQ-CWF, MF) consisting of a 156-foot long, 24-inch diameter pipe depressed 6-inches below streambed elevation with a riprap outlet apron.

7. To remove the existing structure and to construct and maintain a stream enclosure of Maple Brook (HQ-CWF, MF) consisting of a 451-foot long, 60-inch diameter pipe depressed 6-inches below streambed elevation with a riprap outlet apron.

8. To remove the existing structure and to construct and maintain a road crossing of a tributary to Maple Brook (HQ-CWF, MF) consisting of an 88-foot long, 36-inch diameter pipe depressed 6-inches below streambed elevation with a riprap outlet apron.

9. To remove the existing structure and to construct and maintain a road crossing for SR 84 Eastbound of York Creek (HQ-CWF, MF) consisting of single span pre-stressed concrete bulb tee beam bridge having a 96-foot span and a 15-foot approximate underclearance.

10. To remove the existing structure and to construct and maintain a road crossing for SR 84 Westbound of York Creek (HQ-CWF, MF) consisting of single span pre-stressed concrete bulb tee beam bridge having a 96-foot span and a 13.3-foot approximate underclearance.

11. To remove the existing structure and to construct and maintain a road crossing for SR 84 Eastbound of McConnell Creek (HQ-CWF, MF) consisting of single span pre-stressed concrete bulb tee beam bridge having a 106-foot span and a 8.6-foot approximate underclearance.

12. To remove the existing structure and to construct and maintain a road crossing for SR 84 Westbound of McConnell Creek (HQ-CWF, MF) consisting of single span pre-stressed concrete bulb tee beam bridge having a 106-foot span and a 13.4-foot approximate underclearance.

13. To remove the existing structure and to construct and maintain a road crossing for SR 84 Eastbound of Rattlesnake Creek (HQ-CWF, MF) consisting of single span pre-stressed concrete bulb tee beam bridge having a 168-foot span and a 40.4-foot approximate underclearance.

14. To remove the existing structure and to construct and maintain a road crossing for SR 84 Westbound of Rattlesnake Creek (HQ-CWF, MF) consisting of single span pre-stressed concrete bulb tee beam bridge having a 148-foot span and a 30.8-foot approximate underclearance.

The overall improvements will permanently impact a de minimus area of wetlands equal to 0.02 acre, and 3,105 feet of stream channel and temporarily impact 0.24 acre of wetland and 285 feet of stream channel. The proposed project is located along a 7.3 miles section of SR 84 starting approx. one mile west of the SR 0084/SR 0739 interchange to approx. 1.3 mile east of the SR 0084 bridge over Rattlesnake creek (Edgemere, PA Quadrangle Latitude: 41° 21' 19"; Longitude: -75° 04' 48") in Dingman and Blooming Grove Townships, Pike County.

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E36-933: Transcontinental Gas Pipe Lin Company, LLC**, 2800 Post Oak Boulevard, Level 17, Houston, TX 77056 in Fulton and Drumore Townships, **Lancaster County**, U.S Army Corps of Engineers, Baltimore District.

To install and maintain the following:

<i>Description of Impact</i>	<i>Resource Name (Chapter 93 Designation)</i>	<i>Impact Dimensions (Length x Width) (Feet)</i>	<i>Permanent Impact Area (acres)</i>	<i>Temporary Impact Area (acres)</i>		<i>Latitude</i>	<i>Longitude</i>
20.0-inch steel natural gas utility line stream crossing	Unnamed tributary to Fishing Creek (EV, MF)	40 (Permanent)	3 (Permanent)	0.003	0.002	39° 48' 39"	-76° 14' 31"
		35 (Temporary)	3 (Temporary)				
20.0-inch steel natural gas utility line floodway crossing	Floodway of unnamed tributary to Fishing Creek	40 (Permanent)	125 (Permanent)	0.15	0.20	39° 48' 39"	-76° 14' 31"
		74 (Temporary)	125 (Temporary)				

<i>Description of Impact</i>	<i>Resource Name (Chapter 93 Designation)</i>	<i>Impact Dimensions (Length x Width) (Feet)</i>	<i>Permanent Impact Area (acres)</i>	<i>Temporary Impact Area (acres)</i>		<i>Latitude</i>	<i>Longitude</i>
20.0-inch steel natural gas utility line stream crossing	Fishing Creek (EV, MF)	40 (Permanent)	25 (Permanent)	0.03	0.04	39° 48' 23"	-76° 14' 27"
		63 (Temporary)	25 (Temporary)				
20.0-inch steel natural gas utility line floodway crossing	Floodway of Fishing Creek	40 (Permanent)	107 (Permanent)	0.05	0.10	39° 48' 23"	-76° 14' 27"
		55 (Temporary)	107 (Temporary)				
Temporary access road floodway crossing	Floodway of unnamed tributary to Fishing Creek	0 (Permanent)	0 (Permanent)	0.00	0.01	39° 48' 22"	-76° 14' 24"
		20 (Temporary)	18 (Temporary)				
20.0-inch steel natural gas utility line stream crossing	Unnamed tributary to Susquehanna River (HQ-CWF, MF)	40 (Permanent)	5 (Permanent)	0.01	0.01	39° 47' 02"	-76° 14' 11"
		58 (Temporary)	5 (Temporary)				
20.0-inch steel natural gas utility line floodway crossing	Floodway of unnamed tributary to Susquehanna River	40 (Permanent)	48 (Permanent)	0.05	0.10	39° 47' 02"	-76° 14' 11"
		55 (Temporary)	48 (Temporary)				
20.0-inch steel natural gas utility line wetland crossing	PEM wetland (EV)	10 (Permanent)	53 (Permanent)	0.01	0.11	39° 47' 02"	-76° 14' 11"
		85 (Temporary)	53 (Temporary)				
20.0-inch steel natural gas utility line floodway crossing	Floodway of unnamed tributary to Susquehanna River	0 (Permanent)	0 (Permanent)	0.00	0.05	39° 47' 01"	-76° 14' 10"
		26 (Temporary)	77 (Temporary)				
Temporary access road floodway crossing	Floodway of unnamed tributary to Susquehanna River	0 (Permanent)	0 (Permanent)	0.00	0.04	39° 47' 01"	-76° 14' 10"
		20 (Temporary)	79 (Temporary)				
20.0-inch steel natural gas utility line stream crossing	Peters Creek (HQ-WWF, MF)	40 (Permanent)	30 (Permanent)	0.03	0.04	39° 46' 11"	-76° 12' 54"
		56 (Temporary)	30 (Temporary)				
20.0-inch steel natural gas utility line floodway crossing	Floodway of Peters Creek	40 (Permanent)	100 (Permanent)	0.08	0.14	39° 46' 11"	-76° 12' 54"
		55 (Temporary)	100 (Temporary)				
20.0-inch steel natural gas utility line stream crossing	Puddle Duck Creek (HQ-WWF, MF)	40 (Permanent)	15 (Permanent)	0.01	0.03	39° 45' 27"	-76° 12' 27"
		66 (Temporary)	15 (Temporary)				
20.0-inch steel natural gas utility line floodway crossing	Floodway of Puddle Duck Creek	40 (Permanent)	108 (Permanent)	0.09	0.20	39° 45' 27"	-76° 12' 27"
		55 (Temporary)	108 (Temporary)				

<i>Description of Impact</i>	<i>Resource Name (Chapter 93 Designation)</i>	<i>Impact Dimensions (Length x Width) (Feet)</i>	<i>Permanent Impact Area (acres)</i>	<i>Temporary Impact Area (acres)</i>		<i>Latitude</i>	<i>Longitude</i>
20.0-inch steel natural gas utility line wetland crossing	PEM wetland (EV)	10 (Permanent)	4 (Permanent)	0.001	0.02	39° 45' 26"	-76° 12' 27"
		122 (Temporary)	4 (Temporary)				
20.0-inch steel natural gas utility line stream crossing	Unnamed tributary to Puddle Duck Creek (HQ-WWF, MF)	40 (Permanent)	4 (Permanent)	0.004	0.01	39° 44' 48"	-76° 12' 11"
		101 (Temporary)	4 (Temporary)				
20.0-inch steel natural gas utility line floodway crossing	Floodway of unnamed tributary to Puddle Duck Creek	40 (Permanent)	114 (Permanent)	0.09	0.23	39° 44' 48"	-76° 12' 11"
		55 (Temporary)	114 (Temporary)				
Temporary access road floodway crossing	Floodway of unnamed tributary to Conowingo Creek	0 (Permanent)	0 (Permanent)	0.00	0.05	39° 43' 55"	-76° 11' 33"
		20 (Temporary)	107 (Temporary)				
20.0-inch steel natural gas utility line stream crossing	Unnamed tributary to Conowingo Creek (HQ-CWF, MF)	40 (Permanent)	3 (Permanent)	0.002	0.01	39° 43' 47"	-76° 11' 46"
		106 (Temporary)	3 (Temporary)				
20.0-inch steel natural gas utility line floodway crossing	Floodway of unnamed tributary to Conowingo Creek	40 (Permanent)	185 (Permanent)	0.15	0.15	39° 43' 47"	-76° 11' 46"
		55 (Temporary)	185 (Temporary)				
20.0-inch steel natural gas utility line wetland crossing	PEM wetland (EV)	0 (Permanent)	0 (Permanent)	0.00	0.07	39° 43' 46"	-76° 11' 46"
		27 (Temporary)	49 (Temporary)				
20.0-inch steel natural gas utility line wetland crossing	PFO wetland (EV)	0 (Permanent)	0 (Permanent)	0.00	0.02	39° 43' 29"	-76° 11' 29"
		36 (Temporary)	18 (Temporary)				
20.0-inch steel natural gas utility line stream crossing	Unnamed tributary to Conowingo Creek (HQ-CWF, MF)	40 (Permanent)	3 (Permanent)	0.01	0.01	39° 43' 29"	-76° 11' 28"
		80 (Temporary)	3 (Temporary)				
20.0-inch steel natural gas utility line floodway crossing	Floodway of unnamed tributary to Conowingo Creek	40 (Permanent)	126 (Permanent)	0.12	0.18	39° 43' 29"	-76° 11' 28"
		55 (Temporary)	126 (Temporary)				
Temporary access road stream crossing	Unnamed tributary to Conowingo Creek (HQ-CWF, MF)	0 (Permanent)	0 (Permanent)	0.00	0.002	39° 43' 29"	-76° 11' 28"
		20 (Temporary)	3 (Temporary)				
Temporary access road floodway crossing	Floodway of unnamed tributary to Conowingo Creek	0 (Permanent)	0 (Permanent)	0.00	0.05	39° 43' 29"	-76° 11' 28"
		20 (Temporary)	112 (Temporary)				



<i>Description of Impact</i>	<i>Resource Name (Chapter 93 Designation)</i>	<i>Impact Dimensions (Length x Width) (Feet)</i>	<i>Permanent Impact Area (acres)</i>	<i>Temporary Impact Area (acres)</i>		<i>Latitude</i>	<i>Longitude</i>
Temporary access road wetland crossing	PEM wetland (EV)	0 (Permanent)	0 (Permanent)	0.00	0.0005	39° 43' 26"	-76° 11' 11"
		4 (Temporary)	5 (Temporary)				
Temporary access road wetland crossing	PEM wetland (EV)	0 (Permanent)	0 (Permanent)	0.00	0.03	39° 43' 32"	76° 11' 10"
		20 (Temporary)	56 (Temporary)				
Temporary access road wetland crossing	PEM wetland (EV)	0 (Permanent)	0 (Permanent)	0.00	0.01	39° 43' 33"	76° 11' 10"
		20 (Temporary)	21 (Temporary)				
Temporary access road wetland crossing	PEM wetland (EV)	0 (Permanent)	0 (Permanent)	0.00	0.01	39° 43' 34"	76° 11' 10"
		20 (Temporary)	30 (Temporary)				
Temporary access road floodway crossing	Floodway of Conowingo Creek	0 (Permanent)	0 (Permanent)	0.00	0.05	39° 43' 31"	76° 11' 10"
		20 (Temporary)	114 (Temporary)				
20.0-inch steel natural gas utility line wetland crossing	PFO wetland (EV)	30 (Permanent)	268 (Permanent)	0.19	0.76	39° 43' 19"	76° 10' 58"
		30 (Temporary)	129 (Temporary)				
20.0-inch steel natural gas utility line wetland crossing	PSS wetland (EV)	0 (Permanent)	0 (Permanent)	0.00	0.55	39° 43' 17"	76° 10' 58"
		133 (Temporary)	147 (Temporary)				
20.0-inch steel natural gas utility line stream crossing	Conowingo Creek (CWF, MF)	40 (Permanent)	49 (Permanent)	0.04	0.64	39° 43' 18"	76° 10' 55"
		649 (Temporary)	49 (Temporary)				
20.0-inch steel natural gas utility line floodway crossing	Floodway of Conowingo Creek	40 (Permanent)	116 (Permanent)	0.44	1.11	39° 43' 18"	76° 10' 55"
		649 (Temporary)	116 (Temporary)				
20.0-inch steel natural gas utility line wetland crossing	PEM wetland (EV)	0 (Permanent)	0 (Permanent)	0.00	0.08	39° 43' 16"	76° 10' 56"
		92 (Temporary)	31 (Temporary)				
20.0-inch steel natural gas utility line wetland crossing	PFO wetland (EV)	30 (Permanent)	100 (Permanent)	0.06	0.32	39° 43' 17"	76° 10' 54"
		104 (Temporary)	100 (Temporary)				
Temporary access road wetland crossing	PEM wetland (EV)	0 (Permanent)	0 (Permanent)	0.00	0.01	39° 43' 16"	76° 10' 56"
		20 (Temporary)	20 (Temporary)				

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E32-506, Pennsylvania Department of Transportation—District 10-0**, 2250 Oakland Avenue, PO Box 429, Indiana, PA 15701, ACOE Pittsburgh District.

Has been given consent to:

1. Extend the existing 470' long mixed 36" plastic pipe and 48" corrugated metal pipe culvert carrying a perennial Unnamed Tributary to Two Lick Creek (CWF) with a drainage area of 163 acres by 133' for a total structure length of 603'. The extension is a 60" elliptical reinforced concrete pipe;

2. Remove the existing 70' long 6.33' span by 2.17' rise concrete box culvert and the existing mixed 315' long 6.33' span by 2.17' rise concrete box culvert and two 36" diameter plastic pipes and the existing 33' long 2' span by 2.67' rise stone arch culvert conveying the same UNT to Two Lick Creek; construct and maintain a replacement 600' long 7' span by 3' rise concrete box enclosure;

3. Remove the existing 19' long 5' span by 3' rise elliptical pipe carrying the same UNT to Two Lick Creek and restore the natural channel;

4. Remove the existing 40' long 2.67' span by 3.75' rise stone arch culvert conveying the same UNT to Two Lick Creek; construct and maintain a replacement 60' long 7' span by 3' rise concrete box culvert;

5. Fill 65' of channel carrying an intermittent UNT to Two Lick Creek (CWF) with a drainage area less than 100 acres and incorporate the stream into the stormwater management system;

6. Fill 33' of an intermittent UNT to Yellow Creek (CWF) with a drainage area less than 100 acres; construct and maintain a replacement 33' long relocated channel;

7. In addition place and maintain fill in a de minimis 0.037 acre of PEM wetland; install and maintain road associated stormwater outfalls; temporarily impact 0.115 acre of PEM wetland and 485' of stream; and install and remove temporary floodplain encroachments associated with construction;

8. Stream mitigation will occur offsite on Two Lick Creek (CWF) approximately 5 miles northeast of the project site in White Township, Indiana County (Brush Valley, PA Quadrangle; North 17.5 inches and West 16.5 inches; Latitude 40° 35' 51.2" and Longitude -79° 7' 26.6").

This work is associated with the SR 119 Homer City Connector Road project, with these encroachments located approximately 2 miles south of the SR 119/422 interchange in Center Township, **Indiana County** (Indiana, PA quadrangle; North 9.6 inches and West 4.75 inches; Latitude 40° 33' 13.3" and Longitude -79° 9' 36").

**E65-969, Westmoreland County Airport Authority**, 148 Aviation Lane, Suite 103, Latrobe, PA 15650, ACOE Pittsburgh District.

Has been given consent to:

Place and maintain fill in (0.08 acre) of PEM wetlands in association with the construction of an airplane hangar. The project is situated along SR 981, approximately 1,000 linear feet south from its intersection with Gravel Hill Road (USGS Latrobe, PA topographic quadrangle; Latitude: 40° 16' 18"; Longitude: -79° 24' 17"), in Unity Township, Westmoreland County. To mitigate for the

wetland impact, the permittee shall make a contribution to the National Fish and Wildlife Foundation, Pennsylvania Wetland Replacement Project, which will be transferred to the Loyalhanna Watershed Association to create a 1.074 acre wetland for which the permittee is jointly and severally liable along with two other permittees.

*District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA*

**E1229-004: Seneca Resources Corporation**, 5800 Corporate Drive, Suite 300, Pittsburgh, PA 15237, Shippen Township, **Cameron County**, ACOE Baltimore District.

To construct, operate and maintain the Clermont to Rich Valley Temporary Waterline Project, which consists of one 16-inch high density polyethylene (HDPE) temporary waterline along an existing access road right-of-way. The project does not propose to have any earth disturbances associated with it, and has the following impacts:

1. 4.0 linear feet of Oviatt Branch (EV, CWF) via an existing culvert crossing (Wildwood Fire Tower, PA Quadrangle, Latitude: N41°36'57.00", Longitude: W78°24'17.00");

2. 4.0 linear feet of a UNT to Brewer Fork (EV, CWF), via an existing culvert crossing (Wildwood Fire Tower, PA Quadrangle, Latitude: N41°36'55.00", Longitude: W78°23'43.00");

3. 2.0 linear feet of a UNT to Brewer Fork (EV, CWF), via an existing culvert crossing (Wildwood Fire Tower, PA Quadrangle, Latitude: N41°36'54.00", Longitude: W78°23'40.00");

4. 5.0 linear feet of a UNT to Brewer Fork (EV, CWF), via an existing culvert crossing (Wildwood Fire Tower, PA Quadrangle, Latitude: N41°36'41.00", Longitude: W78°23'25.00"); and

5. 12.0 linear feet of a Brewer Fork (EV, CWF) via an existing culvert crossing (Wildwood Fire Tower, PA Quadrangle, Latitude: N41°36'39.00", Longitude: W78°22'57.00").

The project will result in 27.0 linear feet of temporary stream impacts, all for the purpose of installing a temporary waterline for Marcellus shale development.

**E42-08-016: Seneca Resources Corporation**, 5800 Corporate Drive, Suite 300, Pittsburgh, PA 15237, Norwich Township, **McKean County**, ACOE Baltimore District.

To construct, operate and maintain the Clermont to Rich Valley Temporary Waterline Project, which consists of one 16-inch high density polyethylene (HDPE) temporary waterline along an existing access road right-of-way. The project does not propose to have any earth disturbances associated with it, and has the following impacts:

1. 3.0 linear feet of Elk Fork (EV, CWF) via an existing culvert crossing (Wildwood Fire Tower, PA Quadrangle, Latitude: N41°37'22.00", Longitude: W78°25'23.00"); and

2. 2.0 linear feet of a UNT to Elk Fork (EV, CWF) via an existing culvert crossing (Wildwood Fire Tower, PA Quadrangle, Latitude: N41°37'14.00", Longitude: W78°24'56.00").

The project will result in 5.0 linear feet of temporary stream impacts, all for the purpose of installing a temporary waterline for Marcellus shale development.

**E5729-080: Appalachia Midstream Services, LLC**, 400 1st Center, Suite 404, Horseheads, NY, 14845 Elkland Township, **Sullivan County**, USACE Baltimore District.

To construct, operate, and maintain:

(1) A temporary road crossing using timber mats and an 8 inch diameter gas line impacting 4,675 square feet of a palustrine emergent/scrub shrub (EV-PEM/PSS) wetland (Shunk, PA Quadrangle 41°32'47"N, 76°41'24"W);

(2) A temporary road crossing using timber mats and a 8 inch diameter gas line impacting 66 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk, PA Quadrangle 41°32'47"N, 76°41'12"W).

The project will result in 4,675 square feet of temporary wetland impacts and approximately 66 linear feet of temporary stream impacts for the purpose of installing a well line for Marcellus Shale gas development in Elkland Township, Sullivan County.

**E5729-081: Appalachia Midstream Services, LLC**, 400 1st Center, Suite 404, Horseheads, NY, 14845 Fox Township, **Sullivan County**, USACE Baltimore District.

To construct, operate, and maintain:

(1) A temporary road crossing using timber mats and a 6 inch diameter natural gas line impacting 56 linear feet of an unnamed tributary to Hoagland Branch (Shunk, PA Quadrangle 41°34'05"N, 76°44'09"W);

(2) A temporary road crossing using timber mats and a 6 inch diameter natural gas line impacting 50 linear feet of an unnamed tributary to Hoagland Branch (Shunk, PA Quadrangle 41°34'05"N, 76°44'01"W);

(3) A temporary road crossing using timber mats and a 6 inch diameter natural gas line impacting 389 square feet of a palustrine emergent (PEM) wetland (Shunk, PA Quadrangle 41°34'01"N, 76°43'57"W);

(4) A temporary road crossing using timber mats and a 6 inch diameter natural gas line impacting 2,807 square feet of a palustrine emergent (PEM) wetland (Shunk, PA Quadrangle 41°33'56"N, 76°43'52"W);

(5) A temporary road crossing using timber mats and a 6 inch diameter natural gas line impacting 647 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 53 linear feet of an unnamed tributary of Hoagland Branch (EV) (Shunk, PA Quadrangle 41°33'55"N, 76°43'47"W);

(6) A temporary road crossing using timber mats and a 6 inch diameter natural gas line impacting 5,119 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland (Dushore, PA Quadrangle 41°33'54"N, 76°43'44"W).

The project will result in 18,202 square feet of temporary wetland impacts and approximately 101 linear feet of temporary stream impacts for the purpose of installing a well line for Marcellus Shale gas development in Fox Township, Sullivan County.

#### ENVIRONMENTAL ASSESSMENTS

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**EA36-037: Donegal Chapter Trout Unlimited**, P. O. Box 8001, Lancaster, PA 17604 in Fulton Township, **Lancaster County**, U.S. Army Corps of Engineers, Baltimore District.

To construct a stream restoration project including: 1.) the relocation and maintenance of 1,464 feet of Conowingo Creek (CWF, MF); 2.) the relocation and maintenance of 44 feet of an unnamed tributary to Conowingo Creek (CWF, MF); 3.) the installation and maintenance of four (4) cross rock vanes; 4.) the installation and maintenance of five (5) rock deflectors; 5.) the construction and maintenance of a total of 1,497 feet of stacked stone wall; 6.) the installation and maintenance of six (6) root wads; and 7.) the installation and maintenance of six (6) boulder cells, all for the purpose of providing wildlife habitat and enhancing water quality in Conowingo Creek. The project is located immediately north of Black Barren Road, approximately 0.40 miles east of its intersection with Happy Hollow Road (Latitude: 39° 44' 47.65"N; Longitude: 76° 10' 23.58"W) in Fulton Township, Lancaster County. No wetlands will be impacted by this project. The approval was issued August 11, 2015.

*Central Office: Environmental Program Manager, Brian Bradley, P. O. Box 8461, Harrisburg, PA 17105.*

**EA5910-002. Pennsylvania Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, P. O. Box 8461, Harrisburg, PA 17105. Abandoned Mine Land Reclamation Project in Hamilton Township, Blossburg Borough, **Tioga County**, Baltimore ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 2,400 linear feet of highwall. The project will include the backfilling of 0.70 acre of open water and 0.1 acre of wetlands that have developed within the open surface mine pits. (Blossburg Quadrangle 41° 40' 17" N, 77° 03' 04" W)

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460*

**D48-037EA. Lee and Sally Snyder**, 2651 Main Street, Bethlehem, PA 18017 and Sister Bernadine Stemnock, Provincial Minister, Sisters of St. Francis School, 395 Bridle Path Road, Bethlehem, PA 18017. Hanover Township, **Northampton County**, USACOE Philadelphia District.

Project proposes to remove Mill Dam for the purpose of eliminating a threat to public safety and to restoring approximately 430 feet of stream channel to a free-flowing condition. The proposed restoration project includes the re-grading, stabilization and planting of approximately 75 feet of stream bank. The project is located across Monocacy Creek (HQ-CWF, MF) (Catasauqua, PA Quadrangle, Latitude: 40.6488; Longitude: -75.3797).

**D62-032EA. Kathryn Albaugh**, Secretary, Mead Township, 119 Mead Boulevard, Clarendon, PA 16313. Mead Township, **Warren County**, USACOE Pittsburgh District.

Project proposes to remove the Fire Pond Dam for the purpose of eliminating a threat to public safety and restoring approximately 190 feet of stream channel to a free-flowing condition. The proposed restoration project includes reconfiguring the stream channel to alleviate flooding along State Route 6 and constructing a rock vane upstream from the dam to reduce stream flow velocities. The project is located across a tributary to Dutchman Run Creek (CWF) (Clarendon, PA Quadrangle, Latitude: 41.7982; Longitude: -79.1014).



**D63-151EA. Keith German**, Peoples Natural Gas Company, LLC, 1201 Pitt Street, Pittsburgh, PA 15221. Fallowfield Township, **Washington County**, USACOE Pittsburgh District.

Project proposes to remove the Gibson Pumping Station Dam for the purpose of eliminating a threat to public safety and to restoring approximately 250 feet of stream channel to a free-flowing condition. The proposed restoration project will remove the riser pipes but leave the dam embankment and culvert pipes intact, maintaining the existing access road but allowing for the stream to flow through the embankment. The project is located across a tributary to Pigeon Creek (WWF) (Monongahela, PA Quadrangle, Latitude: 40.1447; Longitude: -79.9627).

**D64-072EA. Mike Leonard**, 4 Leonard Way, Deposit, NY 13754. Buckingham Township, **Wayne County**, USACOE Philadelphia District.

Project proposes to remove Beaver Pond Dam for the purpose of eliminating a threat to public safety and restoring approximately 1,000 feet of stream channel to a free-flowing condition. The dam is located across Stockport Creek (HQ-CWF, MF) (Hancock, PA Quadrangle, Latitude: 41.8960; Longitude: -75.2961).

**D66-012EA. Mr. Stephen Jennings**, Deer Park Holdings, Ltd., 200 Leeder Hill Drive, #2312, Hamden, CT 06517. Windham Township, **Wyoming County**, USACOE Baltimore District.

Project proposes to remove the Jennings Pond Dam for the purpose of eliminating a threat to public safety and restoring approximately 2,000 feet of stream channel to a free-flowing condition. The project is located across Little Mehoopany Creek (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: 41.5790; Longitude: -76.1324).

## EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>ESCGP-2 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG00059150005	Columbia Gas Transmission, LLC 1700 MacCorkle Avenue, SE P. O. Box 1273, Charleston, WV 25313	Greene County	Richhill Township	UNT to Stone Coal Run, Stone Coal Run, UNT to Crabapple Creek (WWF); UNT to Enlow Fork (TSF)
ESG00059150002	Equitrans, LP 625 Liberty Avenue, Pittsburgh, PA 15222	Greene County	Franklin Township and Morgan Township	Ruff Creek, Grimes Run, Smith Creek, South Fork Tenmile (WWF)
ESG00125150003	MarkWest Liberty Midstream and Resources, LLC 4600 J. Barry Court, Suite 500 Canonsburg, PA 15317	Washington County	Smith Township	UNT to Raccoon Run (WWF)

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-2 # ESX09-117-0037(01)

Applicant Name SWEPI LP

Contact Person Jason Shoemaker

Address 2100 Georgetown Drive, Suite 400

City, State, Zip Sewickley, PA 15143

County Tioga

Township(s) Charleston Township

Receiving Stream(s) and Classification(s) UNT to Hills Creek (WWF)

Secondary—Hills Creek

ESCGP-2 # ESX11-117-0007(01)

Applicant Name SWEPI LP

Contact Person Jason Shoemaker

Address 2100 Georgetown Drive, Suite 400

City, State, Zip Sewickley, PA 15143

County Tioga

Township(s) Sullivan Township

Receiving Stream(s) and Classification(s) UNT to Corey Creek (CWF)

Secondary—Corey Creek

ESCGP-2 # ESX10-015-0191(01)

Applicant Name Talisman Energy USA Inc.

Contact Person Lance Ridall

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Bradford



Township(s) Granville Township  
Receiving Stream(s) and Classification(s) UNT to North  
Branch Towanda Creek (CWF), Wallace Brook (CWF)  
Secondary—North Branch Towanda Creek (CWF)

ESCGP-2 # ESX29-117-15-0024  
Applicant Name Travis Peak Resources, LLC  
Contact Person Jack Cochran  
Address 9020 North Capital of Texas Highway, Suite 170  
City, State, Zip Austin, TX 78759  
County Tioga  
Township(s) Westfield Township  
Receiving Stream(s) and Classification(s) Crance Brook,  
Closes Creek, Mill Creek, UNT to Mill Creek (CWF,  
TSF)  
Secondary—Mill Creek, Cowanesque River

ESCGP-2 # ESX29-117-15-0023  
Applicant Name Travis Peak Resources, LLC  
Contact Person Jack Cochran  
Address 9020 North Capital of Texas Highway, Suite 170  
City, State, Zip Austin, TX 78759  
County Tioga  
Township(s) Westfield Township  
Receiving Stream(s) and Classification(s) Broughton Hol-  
low (UNT to Cowanesque River under Chapter 93),  
UNT to Broughton Hollow, UNTs to Jemison Creek  
(WWF)  
Secondary—Cowanesque River, Jemison Creek

ESCGP-2 # ESG29-081-15-0024  
Applicant Name HEP Tioga Gathering, LLC  
Contact Person Kevin Williams  
Address 512 Towne Plaza, Ste 120, Route 6  
City, State, Zip Tunkhannock, PA 18657  
County Lycoming  
Township(s) Jackson Township  
Receiving Stream(s) and Classification(s) UNT to Roaring  
Branch (Des. Use: HQ-CWF; Existing Use: EV)  
Secondary—Roaring Branch

ESCGP-2 # ESG10-081-0087(01)  
Applicant Name Anadarko E&P Onshore LLC  
Contact Person Rane Wilson  
Address 33 West Third St., Suite 200  
City, State, Zip Williamsport, PA 17701  
County Lycoming  
Township(s) Watson Township  
Receiving Stream(s) and Classification(s) Gamble Run  
(HQ-CWF) & UNT to Gamble Run (HQ-CWF)  
Secondary—Water Pine Creek (EV) & Gamble Run  
(HQ-CWF)

ESCGP-2 # ESX29-027-14-0001(01)  
Applicant Name Superior Appalachian Pipeline, LLC  
Contact Person Kenneth Magyar  
Address 1000 Town Center Way, Suite 120  
City, State, Zip Canonsburg, PA 15317  
County Centre  
Township(s) Curtin and Snow Shoe Townships  
Receiving Stream(s) and Classification(s) North Fork  
Beech Creek, Sandy Run, Beach Creek, Council Run,  
Logway Run/Bald Eagle Creek (CWF)  
Secondary—Beech Creek

ESCGP-2 # ESG29-117-15-0020  
Applicant Name SWN Production Company, LLC  
Contact Person Jeff Whitehair  
Address 917 State Route 92 North  
City, State, Zip Tunkhannock, PA 18657  
County Tioga  
Township(s) Morris Twp  
Receiving Stream(s) and Classification(s) Dixie Run

(CWF, EV, NRT)  
Secondary—Babb Creek (CWF, EV, NRT)

ESCGP-2 # ESG29-117-15-0018  
Applicant Name SWN Production Company, LLC  
Contact Person Jeff Whitehair  
Address 917 State Route 92 North  
City, State, Zip Tunkhannock, PA 18657  
County Tioga  
Township(s) Morris Twp  
Receiving Stream(s) and Classification(s) Custard Run  
(EV) & UNT Long Run (EV)  
Secondary—Long Run (EV)

ESCGP-2 # ESG29-117-15-0017  
Applicant Name SWN Production Company, LLC  
Contact Person Dave Sweeley  
Address 917 State Road 92 North  
City, State, Zip Tunkhannock, PA 18657  
County Tioga  
Township(s) Morris Twp  
Receiving Stream(s) and Classification(s) Custard Run  
(EV) & UNT Long Run (EV)  
Secondary—Long Run (EV)

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## SPECIAL NOTICES

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### Intent to Renew a Minor State Only Operating Permit

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA. 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215-685-9426.*

The City of Philadelphia, Air Management Services (AMS) intends to renew a Minor State Only Operating Permit for the following facility:

**S15-005: Philadelphia Phillies** (One Citizens Bank Park Way, Philadelphia, PA 19148) for the operation of Citizens Bank Park baseball stadium in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three 191 HP boilers and a 1,818 BHP generator, and a 2,889 BHP generator.

The operating permit will be issued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

[Pa.B. Doc. No. 15-1692. Filed for public inspection September 18, 2015, 9:00 a.m.]

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### Bid Opportunity

**OSM 54(1541)101.1, Abandoned Mine Reclamation Project, Tamaqua North, Tamaqua Borough, Schuyl-kill County.** The principal items of work and approximate quantities include drainage excavation 3,155 cubic

yards, pipe 2,126 linear feet, Department of Transportation No. 2A coarse aggregate 1,875 cubic yards, precast type M inlet 10 each, and superpave asphalt mixture design, 9.5 mm HMA wearing course 1,466 square yards. This bid issues on September 18, 2015, and bids will be opened on October 29, 2015, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 15-1693. Filed for public inspection September 18, 2015, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Forest Park Health Center  
700 Walnut Bottom Road  
Carlisle, PA 17013  
FAC ID # 060802

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(h) (relating to prevention, control and surveillance of tuberculosis (TB)):

Rolling Meadows  
107 Curry Road  
Waynesburg, PA 15370  
FAC ID # 035402

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 15-1694. Filed for public inspection September 18, 2015, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Disproportionate Share Payments for Enhanced Access to Emergency Department Services and Emergency Department and Outpatient Access Supplemental Payments

The Department of Human Services (Department) is providing final notice of its establishment of new class of disproportionate share hospital (DSH) payments for certain acute care general hospitals funded with revenues generated through the hospital assessment imposed by the City of Philadelphia (City).

#### Background

On July 4, 2008, the General Assembly enacted Article VIII-E of the Public Welfare Code (62 P.S. §§ 801-E—808-E) to authorize the City to impose, by ordinance, a monetary assessment on the non-Medicare net operating revenue of acute care general hospitals located in the City for purposes of assuring access to hospital and emergency department services. The City passed an ordinance implementing a Hospital Assessment Program (Program) effective January 1, 2009, and the Program has been in place since that time. The Program generates additional revenues to fund Medical Assistance (MA) expenditures for hospital emergency department and other hospital services in Philadelphia. The Program also generates additional funding to support the City's public health clinics. The MA funding from the Program is currently being used to fund emergency department and outpatient access supplemental payments as approved by the Centers for Medicare and Medicaid Services (CMS).

This new class of DSH payments is also funded through the Program and is intended to help offset the costs incurred by acute care general hospitals in the City that provide a significant amount of emergency services to MA beneficiaries. Many emergency department patients are subsequently admitted to the hospital. To promote access to these critical hospital and emergency services, the Department is allocating a portion of the funding from the existing emergency department and outpatient access supplemental payment to this new class of DSH payments.

The Department's notice of its intent to implement this new class of DSH payments was published at 44 Pa.B. 7967 (December 20, 2014). The Department received no public comments during the comment period and has implemented the changes as described in its notice of intent. On May 27, 2015, CMS approved the Department's State Plan Amendment to implement this new class of DSH payments for acute care general hospitals located in the City with emergency departments that provide at least 1,000 emergency department visits to Pennsylvania MA patients per year. Hospitals that furnish acute care inpatient services to patients who are predominantly under 18 years of age or hospitals that receive a DSH payment for enhanced access to multiple types of medical care in economically distressed areas of this Commonwealth under the State Plan are not eligible to receive this additional payment. The Department distributes the additional payments to qualifying acute care general hospitals based on each qualifying hospital's historical MA inpatient Title XIX fee-for-service revenue using Fiscal Year 2011-2012 MA cost report data. Payments to a qualifying hospital under the State Plan are

limited to the amount permitted by the hospital's hospital-specific limit. The maximum payment is limited to 2.91% of the hospital's net patient revenue.

Since qualification for the new DSH payment is also related to MA beneficiaries seen in hospital emergency departments, a hospital eligible to receive the new DSH payment is not eligible to receive an emergency department and outpatient access supplemental payment. For this reason, the Department modified the criteria to qualify for the emergency department and outpatient access supplemental payment to reflect this change and modified the amount of funds allocated for this payment. All other qualifying criteria and the payment methodology for the current emergency department and outpatient access supplemental payment remain unchanged.

#### *Fiscal Impact*

The Department saw no increase in costs to the MA Program as a result of these payments.

THEODORE DALLAS,  
*Secretary*

#### **Fiscal Note:** 14-NOT-974. (1) General Fund;

(7) MA—Outpatient; (2) Implementing Year 2015-16 is -\$76,840,000; (3) 1st Succeeding Year 2016-17 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$351,391,000; 2013-14 Program—\$264,179,000; 2012-13 Program—\$450,835,000;

(7) MA—Inpatient; (2) Implementing Year 2015-16 is \$76,840,000; (3) 1st Succeeding Year 2016-17 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$213,381,000; 2013-14 Program—\$163,862,000; 2012-13 Program—\$268,112,000;

(8) recommends adoption. Funds have been included in the budget to cover this cost.

This action will result in a shift of costs from the MA—Outpatient appropriation to the MA—Inpatient appropriation.

[Pa.B. Doc. No. 15-1695. Filed for public inspection September 18, 2015, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### **Realty Transfer Tax; Revised 2014 Common Level Ratio; Real Estate Valuation Factors**

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 2014. These factors are the mathematical reciprocal of the actual common level ratios. For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from July 1, 2015 to June 30, 2016. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument (61 Pa. Code § 91.102).

#### *Revised Common Level Ratio Factor*

#### *County*

Greene  
Lackawanna

\*1.43  
\*\*6.33

\* Revised by the State Tax Equalization Board July 29, 2015.

\*\* Revised by the State Tax Equalization Board August 19, 2015.

EILEEN H. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 15-1696. Filed for public inspection September 18, 2015, 9:00 a.m.]

## DEPARTMENT OF STATE

### **Election for the Office of Judge of the Centre County Court of Common Pleas**

On September 3, 2015, the Secretary of the Commonwealth received written notice that Judge Bradley Lunsford revoked his declaration of candidacy for retention as a Judge of the Centre County Court of Common Pleas. Under the Constitution and laws of the Commonwealth, an election for the judicial office held by Judge Lunsford will occur as part of the Municipal Election to be held November 3, 2015.

In the Municipal Election, the electors of Centre County will elect one Judge of the Centre County Court of Common Pleas. Each elector will be entitled to vote for one candidate, with the candidate receiving the largest number of valid votes being elected.

By law, each of the certified Statewide political parties of this Commonwealth—the Democratic Party and the Republican Party—were permitted to nominate one candidate for the Centre County Court of Common Pleas by submitting to the Secretary of the Commonwealth, no later than September 14, 2015, a nomination certificate in the form prescribed by law and prepared in accordance with the applicable rules of the political party. The Democratic Party nominated Katie Oliver and the Republican Party nominated Ronald S. McGlaughlin. Political bodies were permitted to nominate a candidate by filing with the Secretary of the Commonwealth, no later than September 14, 2015, nomination papers prepared and submitted in accordance with the requirements of the Pennsylvania Election Code (25 P.S. §§ 2600—3591). No political bodies nominated a candidate.

Additional information is available on the Department of State's publicly accessible web site at [www.dos.pa.gov](http://www.dos.pa.gov).

PEDRO A. CORTÉS,  
*Secretary*

[Pa.B. Doc. No. 15-1697. Filed for public inspection September 18, 2015, 9:00 a.m.]

# FISH AND BOAT COMMISSION

## Triploid Grass Carp Permit Application

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following application to stock triploid grass carp in waters having a surface area of greater than 5 acres is currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Merrie Hotaling Kyle L. Hunt	Hotaling Pond 41.761339 -76.321254	Standing Stone Township Bradford County	10-acre lake which discharges into an unnamed tributary to the Susquehanna River	<i>Potamogeton spp.</i> <i>Filamentous Algae</i>

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 15-1698. Filed for public inspection September 18, 2015, 9:00 a.m.]

# HEALTH CARE COST CONTAINMENT COUNCIL

## Data Submission and Collection

Under section 6(a)(2) of the Health Care Cost Containment Act (act) (35 P.S. § 449.6(a)(2)), the Health Care Cost Containment Council is required to publish a list of diseases, procedures and medical conditions, not to exceed 35, for which data under section (6)(c)(21) and (d) shall be required.

The list of 35 diseases, procedures and medical conditions follows:

1. Heart Attack
2. Heart Failure
3. Chest Pain
4. Abnormal Heartbeat
5. Coronary Bypass
6. Heart Valve Replacement
7. Percutaneous Transluminal Coronary Angioplasty
8. Pneumonia
9. Asthma
10. Respiratory Failure
11. Blood Clot in Lung
12. Lung Repair
13. Hypotension
14. Blood Clot in Extremities
15. Vascular Repair
16. Stroke
17. Removal of Blockage in Head and Neck Vessel
18. Craniotomy



19. Diabetes
20. Digestive Disease
21. Liver Disease
22. Colorectal Repair
23. Gallbladder Removal
24. Stomach and Small Intestine Repair
25. Kidney Failure
26. Kidney and Urinary Tract Infection
27. Prostatectomy
28. Medical Back
29. Major Joint Repair
30. Neck/Back Repair
31. Breast Cancer
32. Hysterectomy
33. Infectious Disease
34. Ventilation for Respiratory Disease
35. Tracheostomy

JOE MARTIN,  
*Executive Director*

[Pa.B. Doc. No. 15-1699. Filed for public inspection September 18, 2015, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
18-464	Department of Transportation School Bus Drivers; Medical Requirements and Standards 45 Pa.B. 3711 (July 11, 2015)	8/10/15	9/9/15

#### **Department of Transportation Regulation #18-464 (IRRC #3108)**

#### **School Bus Drivers; Medical Requirements and Standards**

**September 9, 2015**

We submit for your consideration the following comments on the proposed rulemaking published in the July 11, 2015 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Department of Transportation (Department) to respond to all comments received from us or any other source.

#### **1. Persons authorized to diagnose and treat disorders and disabilities.—Consistency with statute; Economic impact.**

The persons authorized to diagnose and treat disorders and disabilities are set forth in several provisions in Part II, Chapter 15 (Licensing of Drivers) of the statute, including:

- 75 Pa.C.S. § 1508.1(a) Physical examinations, which states:

*Authorization to conduct examinations.—The department shall promulgate regulations to authorize specific classes of licensed practitioners of the healing arts, to include, but not be limited to, physicians, chiropractors, physician assistants and certified registered nurse practitioners, to conduct examinations*

required for the issuance of a driver's license and a school bus driver endorsement. (Emphasis added.)

- 75 Pa.C.S. § 1518(b), Reports by health care personnel, which states:

*All physicians, podiatrists, chiropractors, physician assistants, certified registered nurse practitioners and other persons authorized to diagnose or treat disorders and disabilities defined by the Medical Advisory Board shall report to the department, in writing, the full name, date of birth and address of every person over 15 years of age diagnosed as having any specified disorder or disability within ten days. (Emphasis added.)*

- 75 Pa.C.S. § 1519(a) Determination of incompetency, which states:

The department, having cause to believe that a licensed driver or applicant may not be physically or mentally qualified to be licensed, may require the applicant or driver to undergo one or more of the examinations authorized under this subchapter in order to determine the competency of the person to drive. The department may require the person to be examined by a physician, a certified registered nurse practitioner, a physician assistant or a licensed psychologist. . . . Vision qualifications may be determined by an optometrist or ophthalmologist. (Emphasis added.)

The physical and mental criteria to be used in evaluation of a driver are found under the duties of the Medical Advisory Board in 75 Pa.C.S. § 1517(b), which states:

The board may advise the department and review regulations proposed by the department concerning physical and mental criteria including vision standards relating to the licensing of drivers under the provisions of this chapter.

Proposed Clause 71.3(b)(11)(ii)(A) would limit a subsequent assessment of cognitive or emotional functioning to "a psychiatrist, neurologist or licensed psychologist." This would exclude all other defined "health care providers" from making this assessment. However, the statute specifically directs that "physicians, chiropractors, physician assistants and certified registered nurse practitioners," as well as "other persons authorized to diagnose or treat disorders and disabilities" can perform the diagnosis. The Department has not provided a reason for not including all health care providers from making the assessment in Clause 71.3(b)(11)(ii)(A). How can a class of health care provider, specifically designated by statute to diagnose a condition that could disqualify a driver, not be qualified to subsequently assess that same driver with the same condition for driving ability?

To be consistent with the statute, we recommend that Clause 71.3(b)(11)(ii)(A) be amended to include the health care providers established in statute. If the Department does not amend the regulation to include all qualified health care providers, it should explain how the regulation is consistent with the statute and how the cost of an assessment by a psychiatrist, neurologist or licensed psychologist is justifiable. The Department should also amend the Regulatory Analysis Form to reflect these costs imposed by the regulation.

## 2. Section 71.2. Definitions.—Need; Clarity.

### *Dementia*

The second and third sentences of this definition describe the early stages and progressive nature of dementia.

We do not believe these sentences are needed to understand what the Department considers to be dementia. Therefore, we recommend deleting them.

### *Mental or emotional disorder*

As written, this definition relies on the description and definition in the "current *Diagnostic and Statistical Manual of Mental Disorders*, including its introduction or International Classification of Diseases." If that is the standard that defines mental or emotional disorder, we recommend deleting the rest of the definition because it may conflict with a future change in the manual.

If the Department maintains this language, it should review the definition's phrasing for need and clarity. We recommend deleting the word "important" because it is not clear what distinction the word implies in the consideration of a symptom and what it would exclude from the definition of mental or emotional disorder. In the context of the health care provider's evaluation criteria specified in Paragraph 71.3(b)(11) and the health care provider's certification required in Subsection 71.3(c), why is the last sentence of the definition needed that states "Some mental disorders cause poor judgment . . . that might affect driving performance"?

### *Neurologist and Psychiatrist*

Both of these definitions include a licensed physician who is "Board-eligible." We have three concerns relating to how "Board-eligible" is consistent with the statute and is clear.

First, 75 Pa.C.S. § 1519(a) states a person who "may not be physically or mentally qualified to be licensed" may be required to be examined by "a physician, a certified registered nurse practitioner, a physician assistant or a licensed psychologist" and for vision examination by "an optometrist or ophthalmologist." There is no mention of "Board-eligible" in this provision of the statute for these professions. The Department should explain how including the phrase "Board-eligible" in the regulation is consistent with the statute.

Second, it is not clear what specific standard or minimum training the phrase "Board-eligible" includes. Other definitions in Section 71.2 of health care professions (CRNP, Chiropractor and Psychologist) state or imply a person must be licensed and not just eligible to be licensed. Why are Board-eligible neurologists and psychiatrists included in the definitions and what training must they meet to be Board-eligible?

Finally, these definitions use the term "Board." The definitions should state more specifically which boards the Department accepts for the certifications.

### *Psychologist*

This term is defined as "a person licensed as a psychologist." We recommend adding that the person is licensed as a psychologist by the State Board of Psychology, similar to the existing definitions of "CRNP" and "physician assistant."

## 3. Section 71.3. Physical examination.—Clarity.

### *Discretion of the health care provider*

Subparagraph (b)(11)(i) states,

. . . has no impairment from brain disease or deficit of cognitive function, which is *likely* to impair the

ability to drive a school bus safely: . . . . (Emphasis added.)

This provision implies the health care provider has discretion and exercises judgment in determining whether a person can drive a school bus safely. However, as written, Subparagraph (b)(11)(ii) contradicts that discretion by stating:

Has not been diagnosed with a mental or emotional disorder and does not manifest one or more of the symptoms described in subparagraph (i). An individual diagnosed with a disorder or who manifests these symptoms *will* be disqualified to drive a school bus. (Emphasis added.)

We recommend that the Department review this language to make these provisions consistent with each other.

#### *Process for applying for a waivers*

The process to restore the individual's school bus driving privilege is specified in Clauses (b)(11)(ii)(A) and (B). However, while granting of a waiver is included in Clause (b)(11)(ii)(C), the process of applying for a waiver is not specified in the regulation. We recommend that the regulation include how to apply for a waiver.

#### **4. Miscellaneous Clarity**

- In Clause 71.3(b)(11)(ii)(A), the phrase "licensed psychologist" is used. Since the definition of psychologist states they must be licensed, it is redundant to use the word "licensed" in Clause 71.3(b)(11)(ii)(A).

JOHN F. MIZNER, Esq.,  
*Chairperson*

[Pa.B. Doc. No. 15-1700. Filed for public inspection September 18, 2015, 9:00 a.m.]

### **Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed at the Commission's web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
54-84	Pennsylvania Liquor Control Board Right to Occupy	9/3/15	10/8/15

JOHN F. MIZNER, Esq.,  
*Chairperson*

[Pa.B. Doc. No. 15-1701. Filed for public inspection September 18, 2015, 9:00 a.m.]

## **INSURANCE DEPARTMENT**

### **Application for Approval to Acquire Control of Bravo Health Pennsylvania, Inc., Cigna Dental Health of Pennsylvania, Inc. and Life Insurance Company of North America**

Anthem, Inc. has filed an application for approval to acquire control of Bravo Health Pennsylvania, Inc., a domestic health maintenance organization, Cigna Dental Health of Pennsylvania, Inc., a domestic preferred provider organization, and Life Insurance Company of North America, a domestic stock life insurance company. The filing was made under the requirements of Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413).

Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Company Licensing Division, Insurance

Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [syerger@pa.gov](mailto:syerger@pa.gov).

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 15-1702. Filed for public inspection September 18, 2015, 9:00 a.m.]

### **CMFG Life Insurance Company (CUNA-130221659); Proposed Rate Increase for LTC Form 2006-LTC-COMP (PA)**

CMFG Life Insurance Company is requesting approval to increase the premium an aggregate 100% on 986 policyholders of the following individual LTC form: 2006-LTC-COMP (PA).

Unless formal administrative action is taken prior to December 3, 2015, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To view these filing notices, hover the cursor over "CONSUMERS" in the blue bar at the top of the webpage then select "PRODUCT NOTICES" from the drop down menu.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
Insurance Commissioner

[Pa.B. Doc. No. 15-1703. Filed for public inspection September 18, 2015, 9:00 a.m.]

### Change in Address for the Insurance Placement Facility of Pennsylvania, Administrator of the Pennsylvania FAIR Plan; Informational Filing

The Insurance Placement Facility of Pennsylvania, which administers the Pennsylvania FAIR Plan (FAIR Plan), has changed its address to 190 North Independence Mall West, Suite 301, Philadelphia, PA 19106-1554.

The FAIR Plan's phone numbers have not changed; they remain (800) 462-4972 or (215) 629-8800.

Notices of Cancellation and Refusal to Renew that include the Insurance Placement Facility of Pennsylvania's address must be updated to reflect the new address and filed for the Insurance Department's prior approval in accordance with section 5(a)(9) of the Unfair Insurance Practices Act (40 P.S. § 1171.5(a)(9)) and 31 Pa. Code § 59.5 (relating to notice of cancellation or refusal to renew).

Questions regarding this notice may be directed to Mark Lersch, Property and Casualty Bureau Director, (717) 783-2103, [mlersch@pa.gov](mailto:mlersch@pa.gov).

TERESA D. MILLER,  
Insurance Commissioner

[Pa.B. Doc. No. 15-1704. Filed for public inspection September 18, 2015, 9:00 a.m.]

### Provider Directories; Notice 2015-07

This notice is issued to all entities (insurers) issuing health insurance policies subject to the Insurance Department's (Department) jurisdiction (health insurance policies). The Department has become aware of situations when consumers believe they are seeking services from an in-network provider based on information in an insurer's provider directory, only to be subsequently informed that the provider is not in-network. This notice is issued to remind insurers of their obligations with respect to the adequacy of their provider directories—that is, their provider directories are current, accurate, complete and easily accessible.

Commonwealth law prohibits unfair or deceptive acts or practices in the business of insurance and defines these acts or practices to include: "[m]aking, issuing, publishing or circulating in any manner an advertisement, announcement or statement containing any representation or statement with respect to the business of insurance or with respect to any person in the conduct of his insurance business which is untrue, deceptive or misleading." Further, Commonwealth law states that if

"performed with such frequency as to indicate a business practice," it is an unfair claim settlement practice to "[m]isrepresent[] pertinent facts or policy or contract provisions relating to coverages at issue" or "[a]ttempt[] to settle a claim for less than the amount to which a reasonable man would have believed he was entitled by reference to written or printed advertising material accompanying or made part of an application." See sections 4 and 5(a)(2) and (10)(i) and (viii) of the Unfair Insurance Practices Act (act) (40 P.S. §§ 1171.4 and 1171.5(a) and (10)(i) and (viii)).

When a policyholder purchases a health insurance policy that covers services when provided by an in-network provider, and a person covered under that policy seeks services from a provider identified in the insurer's provider directory as being in-network at the time services are sought, the policyholder may reasonably believe that coverage for the services provided by that provider will be covered as in-network services. A policyholder may hold this reasonable belief even if the insurer issues a disclaimer—whether on its web site, in member materials or in response to an inquiry from the policyholder—as to the potential unreliability of the provider directory.

Therefore, when a person covered under a health insurance policy seeks covered services from a provider identified in the insurer's provider directory as being in-network, the Department interprets the provisions of the act previously cited to mean that an insurer that denies the in-network status of that provider has made a representation that is untrue, deceptive or misleading, and any attempt to settle a claim for services by that provider as if that provider were out-of-network to be an unfair claim settlement practice.

Further, in situations when the provider directory is not accurate, but a consumer seeks services from a provider identified as in-network in a provider directory at the time services are sought, that consumer should be subject to no more cost-sharing than if the provider is in fact in-network. The Department also reminds insurers of their obligations regarding continuity of care in the situation of a network modification (see, for example, section 2117 of The Insurance Company Law of 1921 (40 P.S. § 991.2117) and 31 Pa. Code § 154.15 (relating to continuity of care)).

Finally, the Department notes that the Federal government has issued regulations detailing provider directory requirements, and the Department views compliance with that regulation (as it may be amended from time to time) as constituting a safe harbor vis-a-vis the in-network status of a provider with respect to the fairness of its advertising and marketing materials and the propriety of its claims settlement practices.<sup>1</sup>

<sup>1</sup> See 45 CFR 156.230(b) (relating to network adequacy standards):

(b) Access to provider directory.

(1) A QHP issuer must make its provider directory for a QHP available to the Exchange for publication online in accordance with guidance from HHS and to potential enrollees in hard copy upon request. In the provider directory, a QHP issuer must identify providers that are not accepting new patients.

(2) For plan years beginning on or after January 1, 2016, a QHP issuer must publish an up-to-date, accurate, and complete provider directory, including information on which providers are accepting new patients, the provider's location, contact information, specialty, medical group and any institutional affiliations, in a manner that is easily accessible to plan enrollees, prospective enrollees, the State, the Exchange, HHS and OPM. A provider directory is easily accessible when—

(i) The general public is able to view all of the current providers for a plan in the provider directory on the issuer's public web site through a clearly identifiable link or tab and without creating or accessing an account or entering a policy number; and

(ii) If a health plan issuer maintains multiple provider networks, the general public is able to easily discern which providers participate in which plans and which provider networks.

See also the preamble discussion at 80 FR 10750, 10830 (February 27, 2015) specifying monthly updating of the directory information.



Questions concerning this notice may be directed to the Bureau of Consumer Services, 1209 Strawberry Square, Harrisburg, PA 17120, ra-insresponse@pa.gov.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 15-1705. Filed for public inspection September 18, 2015, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution No. CB-15-005, Dated August 25, 2015. Authorizes the labor agreement entered into between the Commonwealth and the Pennsylvania State Corrections Officers Association for the period July 1, 2014 through June 30, 2017.

#### *Governor's Office*

Manual No. M110.1—2016-17 Budget Instructions, Amended August 14, 2015.

Management Directive No. 205.27—Implementation of Act 194-1990, Asbestos Occupations Accreditation and Certification Act, Amended August 27, 2015.

Management Directive No. 245.15—Pennsylvania Statewide Radio Network, Amended August 14, 2015.

Administrative Circular No. 15-11—Availability—Commonwealth Telephone Directory, Dated August 28, 2015.

LAURA CAMPBELL,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 15-1706. Filed for public inspection September 18, 2015, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Change in Corporate Form

**A-2015-2501600. ACN Communication Services, LLC.** Application of ACN Communication Services, LLC for approval of a change in corporate form from a Michigan corporation to a Michigan limited liability company.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utility)

ties) on or before October 5, 2015. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

*Applicant:* ACN Communication Services, LLC

*Through and By Counsel:* Catherine G. Vasudevan, Esquire, Morgan, Lewis & Bockius LLP, 1701 Market Street, Philadelphia, PA 19103-2921

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 15-1707. Filed for public inspection September 18, 2015, 9:00 a.m.]

### Duquesne Light Company Plan for Seamless Moves and Instant Connects

Public Meeting held  
September 3, 2015

*Commissioners Present:* Gladys M. Brown, Chairperson; John F. Coleman, Jr., Vice Chairperson; James H. Cawley; Pamela A. Witmer; Robert F. Powelson

*Duquesne Light Company Plan for Seamless Moves and Instant Connects; M-2014-2401127*

### Final Order

Before the Pennsylvania Public Utility Commission (Commission) is a recommendation from the Commission's Office of Competitive Market Oversight (OCMO) approving Duquesne Light Company's (Duquesne) plan for implementing seamless moves and instant connects in its service territory. A seamless move is the ability of a customer's choice of supplier to move with the customer to a new address within a single service territory without interruption. Instant connect is the ability of supply service to start on "day one" of new utility service—without the customer first having to go on default service.

#### *Background*

By order entered on April 29, 2011,<sup>1</sup> the Commission launched its Investigation of Pennsylvania's Retail Electricity Market (Electric RMI), directing OCMO to develop recommendations for improvements to ensure that a properly functioning and workable competitive retail electricity market exists in Pennsylvania. On February 15, 2013, the Commission entered its Electric RMI Final Order<sup>2</sup> (RMI Final Order). As part of the RMI Final Order, the Commission instructed electric distribution companies (EDCs) to submit plans by the end of 2013 for the implementation of seamless moves and instant connects in their service territories by June 1, 2015.

Pursuant to the Commission's RMI Final Order, Duquesne submitted a compliance filing on December 31, 2013, which detailed the Company's plan to implement seamless moves and instant connects in its service terri-

<sup>1</sup> Investigation of Pennsylvania's Retail Electricity Market Order, Docket No. I-2011-2237952 (Order entered April 29, 2011).

<sup>2</sup> Investigation of Pennsylvania's Retail Electricity Market: End State of Default Service Final Order, Docket No. I-2011-2237952 (Order entered Feb. 15, 2013).

tory by June 1, 2015. Subsequent events caused the Commission to modify the implementation timelines for these new market enhancements. Specifically, on April 3, 2014, the Commission promulgated new regulations directing the EDCs to develop three-business day supplier switching timeframes.<sup>3</sup> Implementation of the three-business day switch went into effect on December 14, 2014. The Commission acknowledged that the implementation of three-business day supplier switching required significant effort by the EDCs and that the timely development of three-business day switching was a priority over instant connects and seamless moves. As such, by means of an August 13, 2014 Secretarial Letter,<sup>4</sup> we permitted the EDCs to delay the development of instant connects and seamless moves if an EDC determined that developing these processes could hinder or delay the development of three-business day supplier switching. In response, Duquesne, consistent with the directive in the Secretarial Letter, informally notified OCMO by email that it was postponing the implementation of seamless moves and instant connects.

On March 20, 2015, the Commission issued a Secretarial Letter<sup>5</sup> directing EDCs, including Duquesne, to file revised plans to implement seamless moves and instant connects by July 1, 2016. EDCs, in their plans, were directed to demonstrate how they will achieve seamless moves and instant connects and their timeframes for implementation to meet a July 1, 2016 implementation deadline. Each plan was also expected to include an estimate of the costs to design, test, implement and maintain seamless moves and instant connects, and proposals for the recovery of those costs. This Secretarial Letter also provided a 30-day comment period for responses to the filed plans. The Commission then committed to review the plans and comments and determine appropriate further actions with regard to the filed plans.

On April 20, 2015, Duquesne filed, at this docket, a revised plan to implement seamless moves and instant connects by July 1, 2016.

#### *Duquesne's Plan*

Duquesne's plan includes a work plan and timeline that sets forth key project milestones and includes an estimated timeframe for completing each milestone—while noting that timelines might have to be revised if there is any delay in the Commission approving their plan or if it is approved with significant modifications. Duquesne notes that it has a number of regulatory initiatives that it is implementing over the next two years that could also impact implementation timeframes. Duquesne also included, in a confidential section, estimated costs for implementing and maintaining seamless moves and instant connects capability.

#### *Seamless Moves*

For seamless moves, Duquesne proposes to allow eligible shopping customers to retain their current electric generation supplier (EGS) when moving within Duquesne's service territory. The customer will not be switched to default service when moving to a new location provided that the rules and conditions set forth below are met:

<sup>3</sup> Rulemaking to Amend the Provisions of 52 Pa. Code, Chapter 57 Regulations Regarding Standards for Changing a Customer's Electricity Generation Supplier, Docket L-2014-2409383 (Order Entered April 3, 2014).

<sup>4</sup> Secretarial Letter re: EDC plan filings for Seamless Moves and Instant Connects. Docket No. M-2014-2401127 (August 13, 2014).

<sup>5</sup> Secretarial Letter re: EDC plan filings for Seamless Moves and Instant Connects. Docket No. M-2014-2401127 (March 20, 2015).

- Seamless moves will be available to all residential customers as well as commercial and industrial customers that use less than 300 kW of demand as defined in the Tariff.

- The customer's new location must be in the same rate class (i.e., Residential Service (RS), Residential Service Heating (RH) or Residential Service Add-on Heat Pump (RA)) as the prior location, and the customer must maintain the same supplier billing rate, billing option and tax exemption percentage.

- The EGS must submit a drop request via electronic data interchange (EDI) if it does not wish to continue service to the customer at the new service location. However, the EGS will still have to maintain supply service to this customer until a three-business day switch can occur at the new address.

- Large commercial and industrial customers will not be included for seamless moves based on the potential problems that may arise due to PJM Interconnection, LLC (PJM) scheduling.

- Customers will be required to provide at least one business day notice to Duquesne prior to effectuating the seamless move. Duquesne cannot honor a request to start service on the same day as the request, nor will it allow customers to back-date service.

- A seamless move will not be allowed for any overlapping service or gaps in service lasting more than three days.

- The customer will be required to request to start the new service and end the old service in the same contact with Duquesne.

- There must be an active meter at the new location when the customer contacts Duquesne to complete the seamless move.

- An EGS must currently be providing service on the customer's account to be eligible for a seamless move, and any termination of EGS service prior to the customer's move will preclude a seamless move by Duquesne.

- A new EDI transaction must be created to facilitate the seamless move process. The new EDI transaction is to be reviewed and approved by the Electronic Data Exchange Working Group (EDEWG) consistent with its current procedures. This EDI transaction will include all the pertinent customer information that an EGS needs, such as customer contact information; new address; name; rate class and load profile; bill option; rate code; tax exemption percentage; billing and meter read cycles; and meter information.

- An EDI transaction will also be sent for other reasons related to the seamless move process. Customers requesting to change the start date of their new service would require an EDI 814 Change request to be sent to the existing EGS detailing the new start date, and an EDI 814 Drop request would be sent if the customer decided to cancel the new move.

- If the seamless move criteria have been met, Duquesne will advise the customer that their EGS supply service will seamlessly move to their new location, and Duquesne will send a new move transaction to the EGS. In the move transaction, Duquesne will send the EGS information that is similar to what is currently provided in a reinstate-request transaction, including the customer name, service address and rate class. Duquesne will also provide the EGS with: (i) the current supply agreement identification number; (ii) the new supply agreement

identification number; and (iii) the service start date. Once the move transaction has been sent to the EGS, the EGS will serve the new account as of the service start date.

- The seamless move may be terminated or voided after the move transaction is complete under certain circumstances, including where the customer: (i) voids or terminates the new account prior to the service start date; (ii) requests to change the service start date on the new account to a date occurring in the past; or (iii) enrolls with a new EGS on the current account before the connection to the new account occurs. In these instances, Duquesne will send a drop notification to the EGS.

#### *Instant Connects*

Under Duquesne's proposed instant connect process, new customers will be able to shop with an EGS without being enrolled in default service, provided that customers meet the rules that are set forth below:

- Eligibility requirements for an instant connect are the same as for seamless moves. Instant connects will be available to all residential customers as well as commercial and industrial customers that use less than 300 kW of demand as defined in the Tariff.

- Customers must provide a notice of an instant connect at least three business days prior to the instant connect date to qualify for the instant connect process.

- Customers will not be permitted to back-date service.

- In order to accommodate instant connections, Duquesne will change its system so that it can accept inbound enrollment requests on accounts that are not yet active. The customer will still be responsible for contacting Duquesne and satisfying all requirements to start service at the new location, and then contacting the supplier to initiate supply service. The supplier will still be responsible for submitting the enrollment request. The final component of this transaction will be to establish an estimated start date. All of this information will be communicated via the enrollment response sent back to the EGS from Duquesne.

- The EGS must submit a drop request via EDI if it does not wish to supply service to the customer. However, the supplier must maintain supply service to this customer until a three-business day switch can occur under Duquesne's switching rules.

- No new EDI transactions will need to be created in order to implement instant connects.

Duquesne's plan to meet the July 1, 2016 deadline is outlined in the following table:

#### *WORK PLAN PHASES*

	Q1	Q2	Q3	Q4	Q1	Q2
		XXX				
ANALYSIS PHASE			XXX			
DESIGN PHASE						
DEVELOPMENT/BUILD PHASE				XXX	XXX	
TEST PHASE					XXX	XXX
DEPLOY—No later than July 1, 2016						XXX

Duquesne notes that these timeframes may have to be revised if there is a delay in obtaining Commission approval of its plan or if the Commission orders significant modifications to its plan.

#### *Comments*

Three parties, FirstEnergy Solutions (FES), the Office of Consumer Advocate (OCA) and Citizen Power (Citizen Power) filed comments in response to Duquesne's April 20, 2015 plan filing.

FES insists that the EDC's plan should recognize an EGS's right to reject a seamless move request. FES notes that contract portability implicates the legal terms and conditions of an EGS's contract with its customer, as well as business and logistical issues. Accordingly, the EDC plans should recognize that both the customer and EGS must agree to a seamless move. FES recommends that if an EGS does not respond to an EDI request within three days, the seamless move is to be deemed rejected and the EGS's service will not follow the customer. FES at 3.

FES states that EGSs should not be required to serve a customer for any period of time at a new premise. To require otherwise might require the EGS to deal with complications like gaps or overlaps in EGS service caused by a customer move where service is not smoothly transferred from one location to another. FES at 3-4. FES further notes that changes in a customer's load profile at the new location may make an EGS contract uneconomic. FES at 5. Accordingly, FES believes that only an EGS contract that provides for portability should be eligible for seamless moves and further, that each EDC plan should

apply only to EGS contracts that become effective on or after the EDC's plan implementation date. FES at 4.

Citizen Power generally agrees that the proposed rules and procedures are a reasonable approach to implementing seamless moves with a couple of minor changes to improve seamless moves from a consumer perspective. Citizen Power recommends that Duquesne should give the EGSs an option to set as their default that they will not service their existing customers at new locations. Citizen Power believes that this would allow Duquesne to inform the consumer, at the time of the seamless move request, that their existing EGS will not provide service at the new location. Citizen Power at 1-2. Further, Citizen Power thinks that the three-day maximum gap in service allowed for a seamless move in Duquesne's plan should be expanded to seven days because real estate transactions have unexpected complications, resulting in minor changes of closing dates. Additionally, while Citizen Power agrees with the proposal that customers must request the start of new service and the end of old service in the same contact, it is concerned that consumers may not be aware of this requirement. Therefore, Citizen Power recommends that Duquesne should be required to inform customers of this requirement. Finally, Citizen Power asks that Duquesne identify, with more detail, what specific initiatives Duquesne is referencing that may impact the implementation schedule. Citizen Power at 2-3.

The OCA is in general agreement with the Commission's proposals related to instant connects and seamless moves and that, while it finds these processes to be reasonable, it asserts that certain issues should be ad-



dressed. OCA at 2-3. The OCA submits that every EGS customer who contacts the EDC to arrange a move should be informed of the seamless move process so that the customer is aware that they will retain the EGS at their new location unless the EGS determines that it will not continue to provide service at the new location. The OCA further submits that EGSs should be required to send a confirmation letter to a customer informing the customer that the EGS will or will not continue service at the new location. The OCA acknowledges that this may increase costs for EGSs but believes that customers should be aware of how their service will be provided as their circumstances change. OCA at 3-4.

Regarding EDC cost recovery, the OCA believes costs should be borne by the EGSs because these two processes will provide significant benefits to EGSs by providing a low-cost method for them to obtain and retain customers. However, if ratepayers are asked to pay any portion of these costs, the OCA asks that the costs be included in base rates. The OCA believes that the Commission should not allow recovery of any ratepayer share of these costs (if any) through ratepayer surcharges, consistent with its recent decisions on the costs associated with accelerated switching and Citizens' and Wellsboro's EDI systems. OCA at 4.

#### *Resolution*

Upon review of Duquesne's plan and the comments, we remain convinced that seamless moves and instant connects are important enhancements to the competitive electric market landscape. These two items are, from a customer's perspective, ordinary and expected capabilities that have been hindered by current EDC account handling processes and information systems. A customer should not have to obtain new supplier service simply because they moved locations within an EDC's service territory. It is reasonable for customers to expect that their supplier choice and contract be simply "ported" to their new location. Likewise, customers should be able to start new service with a supplier without first going onto default service. The current system inappropriately elevates default service to a favored, primary service role. Instant connects will help end this undesirable practice.

We find Duquesne's plans for implementing seamless moves and instant connects reasonable and in conformity with our expectations. We reject FES's position that an EGS should have the right and opportunity to reject a seamless move which meets the requirements set forth in Duquesne's Plan. We also reject Citizen Power's position that EGSs should have the ability to set as a "default" the rejection of seamless moves. Once seamless moves become available—they should be used to the benefit of consumers.

We find that Duquesne's express eligibility requirements, including maintaining the existing rate class for seamless moves and restriction to residential and low-demand business customers (less than 300kW), are responsive to concerns about the potential impact on EGSs. These safeguards are sufficient to prevent customers from materially changing their contracts with EGSs simply by moving to a new location. We reiterate that these safeguards include limiting seamless moves to accounts that use less than 300 kW of demand; requiring that the rate class remains unchanged; and that the customer maintains the same supplier billing rate, billing option and tax exemption percentage. We are convinced that these robust safeguards will prevent a customer from significantly changing the characteristics of their service with an EGS as a result of a move to a new location. In addition,

Duquesne's stated approach—that a supplier is always able to submit a drop if they do not wish to serve the customer at a new location—is also responsive to concerns regarding the impact on EGSs. We emphasize that any EGS which processes a customer drop in a seamless move environment should be doing so per the terms and conditions of their existing agreement with the customer. Ideally, this should be addressed under the cancellation provisions of the disclosure or contract the EGS has with the customer. Existing supply agreements should not be adversely impacted by implementation of seamless moves with all of the foregoing protections in place.

We also note that seamless moves will not be available until July 2016. This should provide EGSs with time to consider these matters when entering into new contracts with new customers. To the extent that an EGS desires to expressly recognize the possibility of seamless moves in future contracts, they are free to do so. In addition, EGSs may pursue modification of existing contracts, with customer agreement. Regardless of the foregoing, it is the desire of the customer to retain the current supply terms and conditions that should control, subject to the EGS's ability to drop that customer as provided in Duquesne's proposed Plan and consistent with the terms of the existing contract as mutually agreed to by both parties.

We also disagree with FES's position which suggests a process that enables or requires an EGS to take an action to concur or reject a seamless move in advance. This suggestion will render the move not seamless—counter to express intent of this initiative. For the same reason, we also decline the OCA's request to require EGSs to send a confirmation letter to the customer stating that it will/will not continue to serve the customer at the new address. EGSs are of course free to send such a notice to their customers, but requiring such a notice is unnecessary. Duquesne explains that it will advise the customer that his or her EGS supply service will seamlessly move to their new location and we think this notice should suffice. However, if an EGS is going to subsequently drop the customer per the cancellation provisions of the contract (as discussed above), then notice of this drop to the customer is, of course, required.

While we understand Citizen Power's position that the three-day maximum gap in service should be expanded to seven days because of possible complications in the real estate transactions process, we question whether the occurrence of these types of situations is common enough to require Duquesne to alter their plan. We approve Duquesne's plan and the three-day window, keeping in mind that this can be revisited in the future if experience demonstrates this to be a problem.

As for cost recovery, we disagree with the OCA's primary position that costs should be borne by the EGSs. While EGSs will obtain some benefit from these processes, customers will also benefit. The seamless move and instant connect functionality will not only benefit current shopping customers, it will be available for all eligible customers. These enhancements are permanent improvements that, to a large extent, are simply correcting an unacceptable status quo due to existing limitations in utility customer information systems. For these reasons, we agree with the OCA's secondary position that these costs should be included in base rates. The scrutiny of a base rate proceeding is the appropriate mechanism to ensure that utilities will recover all prudent and reasonably-incurred costs. As the OCA points out, this is consistent with recent Commission decisions on the costs associated with accelerated switching.



### Conclusion

The Commission approves Duquesne Light Company's plan, filed on April 20, 2015, for implementing seamless moves and instant connects in its service territory by July 1, 2016.

Therefore,

*It Is Ordered That:*

1. Duquesne Light Company shall implement seamless moves and instant connects in its service territory by July 1, 2016, as described in their April 20, 2015 filing at this docket.

2. Duquesne Light Company shall file with the Commission for its review and approval revised tariff supplements consistent with the terms of this Order at least 30 days prior to the availability of seamless move and instant connect functions within its service territory.

3. This Final Order be served on all jurisdictional Electric Distribution Companies, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate and the parties who filed comments at Docket No. M-2014-2401127.

4. The Secretary shall deposit a notice of this Final Order with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

5. A copy of this Order be posted on the Commission's website at the Office of Competitive Market Oversight's web page—[http://www.puc.pa.gov/utility\\_industry/electricity/electric\\_competitive\\_market\\_oversight.aspx](http://www.puc.pa.gov/utility_industry/electricity/electric_competitive_market_oversight.aspx).

6. The Office of Competitive Market Oversight shall electronically serve a copy of this Final Order on all persons on the contact list for the Committee Handling Activities for Retail Growth in Electricity.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 15-1708. Filed for public inspection September 18, 2015, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by October 5, 2015. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2015-2493640. Executive Fleet Enterprises, LLC t/a Corporate Executive Limousine Service** (2837 Arcadia Avenue, Allentown, Lehigh County, PA 18103)

persons in limousine service, from points in Lehigh County, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**A-2015-2497690. Sapphire Transport, LLC** (7921 Deer Run Road, Laverock, Montgomery County, PA 19038) for the right to transport as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Bucks, Delaware, Montgomery and Philadelphia, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2015-2498800. Good Will Fire Company #1 of Minersville** (25 North Street, Minersville, Schuylkill County, PA 17901) for the right to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Berks, Carbon, Columbia, Dauphin, Lebanon, Lehigh, Luzerne, Northumberland and Schuylkill, to points in Pennsylvania, and return. *Attorney:* William C. Reiley, Esquire, Garfield Square, 510 West Market Street, Pottsville, PA 17901-2809.

**A-2015-2499051. Sexton Transport, LLC** (1148 Pilgrims Pathway, Peach Bottom, Lancaster County, PA 17563) for the right to transport as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Chester, Lancaster and York, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2015-2499082. Curbside Transportation, LLC** (1117 Glenview Street, Philadelphia, Philadelphia County, PA 19111) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, in the Counties of Philadelphia, Montgomery and Bucks, to points in Pennsylvania, and return.

**A-2015-2500332. Clark's Premier Limousine, LLC** (122 Altimori Court, Southampton, PA 18966) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in Pennsylvania. *Attorney:* Michael S. Henry, Esquire, 100 South Broad Street, Suite 650, Philadelphia, PA 19110.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.**

**A-2015-2440076. 2 Young Studs Moving, LLC** (48 Clark Street, New Haven, CT 06511) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Philadelphia and from points in Philadelphia to the Counties of Bucks, Chester, Delaware and Montgomery, and vice versa.

**A-2015-2486754. Brothers Movers, LLC** (264 Surrey Road, Southampton, Bucks County, PA 18966) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

**Application of the following for approval to begin operating as a broker for transportation of persons as described under the application.**

**A-2015-2489288. Yvonne Michel Barnes t/a Travelpros Travel Agency** (605 Winterberry Road, Monroeville, PA 15146) for a brokerage license evidencing the Commission's approval of the right and privilege to

operate as a broker, arranging for the transportation of persons between points in Pennsylvania.

**Application of the following for approval to begin operating as a broker for transportation of household goods as described under the application.**

**A-2015-2493039. Move Management, Inc.** (16456 East Airport Circle, Aurora, CO 80011) for the right to begin to arrange the transportation of household goods in use, between points in Pennsylvania.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 15-1709. Filed for public inspection September 18, 2015, 9:00 a.m.]

**Service of Notice of Motor Carrier Formal Complaints**

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due October 5, 2015, and must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Available Care, Inc.; Docket No. C-2015-2481978**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Available Care, Inc., Respondent, maintains its principal place of business at 440 South Main Street, Suite 8, Milltown, New Jersey, 08850.
2. That Respondent was issued a certificate of public convenience by this Commission on August 16, 2011 authorizing transportation of persons in paratransit service at Application Docket No. A-2011-2229098.
3. That PUC Enforcement Officer Freda Culver made several calls to the Respondent and left messages in an attempt to schedule an inspection with the Respondent. A certified letter was sent to the Respondent on March 19, 2015, but there was no response.
4. That Respondent abandoned or discontinued service without having first filed an application with this Commission for abandonment or discontinuance of service.
5. That Respondent, by failing to furnish adequate, efficient, and safe service and facilities within 30 days after receipt of a certificate and by not reporting an interruption of service for more than 48 hours with a cause of interruption, violated 52 Pa. Code § 29.61 and § 29.62.

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission issue an Order which revokes the Certificate of Public Convenience held by Respondent at Docket No. A-2011-2229098.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 7/28/2015

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor  
Harrisburg, PA 17120

Additionally, please serve a copy on:

Michael L. Swindler, Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, e-mailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Mudd Water Hauling, LLC, t/a Mudd Water Hauling;  
 Docket No. C-2015-2493876**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Mudd Water Hauling, LLC, t/a Mudd Water Hauling, (respondent) is under suspension effective June 18, 2015 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at PO Box 24, Bradford, PA 16701.
3. That respondent was issued a Certificate of Public Convenience by this Commission on December 05, 2011, at A-8914059.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8914059 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hun-

dred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
 David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 7/21/2015

David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days



of the date of service of this Complaint. Acord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Regional Xpress, LLC; Docket No. C-2015-2495255**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Regional Xpress, LLC, (respondent) is under suspension effective June 04, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1324 Glenview Street, Philadelphia, PA 19111.

3. That respondent was issued a Certificate of Public Convenience by this Commission on May 13, 2014, at A-8916323.

4. That respondent has failed to maintain evidence of Cargo insurance on file with this Commission. The Bu-

reau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8916323 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 7/28/2015

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.



Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Aford certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Montoursville MVG and STG, Inc.; Docket No. C-2015-2495270**

**COMPLAINT**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are

prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Montoursville MVG and STG, Inc., (respondent) is under suspension effective April 01, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at PO Box 486, Mansfield, PA 16933.

3. That respondent was issued a Certificate of Public Convenience by this Commission on April 10, 1989, at A-00108345.

4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00108345 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**VERIFICATION**

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 7/28/2015

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

**NOTICE**

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial

Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, First Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Aced certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Meadville Moving & Storage, Inc.; Docket No. C-2015-2494511**

COMPLAINT

*Now Comes* the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Meadville Moving & Storage, Inc. (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

*Parties and Jurisdiction*

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer  
 Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 717.772.8839  
 stwimer@pa.gov

Kourtney L. Myers  
 Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 717.705.4366  
 komyers@pa.gov

Michael L. Swindler  
 Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

4. Respondent is Meadville Moving & Storage, Inc. and maintains its principal place of business at 894 Bessemer Street Meadville, PA 16335-4604.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about March 20, 1961, at A-00087686, for truck and household goods authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### *Factual Background*

12. On or about September 11, 2014, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2014 to June 30, 2015 Fiscal Year (2014-2015 Fiscal Year). Respondent's assessment was \$217.

13. On September 17, 2014, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the 2014-2015 Fiscal Year.

14. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

15. The Commission received no objections from Respondent to the assessment amount set forth in the 2014-2015 Fiscal Year assessment invoice.

16. Respondent failed to pay the amount of its 2014-2015 Fiscal Year assessment invoice.

17. The total outstanding assessment balance for Respondent is \$217.

#### *Violation*

18. That Respondent failed to satisfy its 2014-2015 Fiscal Year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). I&E's proposed civil penalty for this violation is \$50.

*Wherefore*, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$267, which consists of its outstanding assessment balance of \$217 and a civil penalty of \$50 for the above-described violations; and

(b) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Stephanie M. Wimer  
Prosecutor

Pennsylvania Public Utility Commission  
Bureau of Investigation & Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Date: July 24, 2015

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: July 24, 2015

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within



20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania" and mailed to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Commercial Transportation, Inc.; Docket No. C-2015-2494504**

**COMPLAINT**

*Now Comes* the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Commercial Transportation, Inc. (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

*Parties and Jurisdiction*

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer  
 Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 717.772.8839  
 stwimer@pa.gov

Kourtney L. Myers  
 Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 717.705.4366  
 komyers@pa.gov

Michael L. Swindler  
 Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

4. Respondent is Commercial Transportation, Inc. and maintains its principal place of business at 7700 State Road Philadelphia, PA 19136.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about June 4, 1992, at A-00109885, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

*Factual Background*

12. On or about February 7, 2014, the Commission mailed to Respondent an assessment report for Respondent to report its gross intrastate operating revenues for the 2013 calendar year.

13. The assessment report was accompanied by a letter, which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2014.

14. Respondent failed to file an assessment report stating its 2013 calendar year revenues.

15. On or about September 11, 2014, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2014 to June 30, 2015 Fiscal Year (2014-2015 Fiscal Year) that was based, in part, on Respondent's estimated revenues for the 2013 calendar year. Respondent's assessment was \$164.

16. On September 24, 2014, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the 2014-2015 Fiscal Year.

17. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.



18. The Commission received no objections from Respondent to this assessment.

19. Respondent failed to fully pay the amount of its 2014-2015 Fiscal Year assessment invoice.

20. The total outstanding assessment balance for Respondent is \$164.

#### *Violations*

#### *COUNT 1*

21. That Respondent failed to report its gross intrastate operating revenues for the 2013 calendar year in that it did not file an assessment report for that year. If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000.

#### *COUNT 2*

22. That Respondent failed to satisfy its 2014-2015 Fiscal Year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$50.

*Wherefore*, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$1,214, which consists of its outstanding assessment balance of \$164 and a total civil penalty of \$1,050 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Stephanie M. Wimer  
Prosecutor

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Date: July 24, 2014

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: July 24, 2014

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania" and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Golden Taxi LLC;  
Docket No. C-2015-2494494**

**COMPLAINT**

Now Comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Golden Taxi LLC (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

*Parties and Jurisdiction*

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Michael L. Swindler  
Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

4. Respondent is Golden Taxi LLC and maintains its principal place of business at 2603 East College Avenue, Suite H, State College, PA 16801-7542, Attention: Houcine Habibi, President.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about March 6, 2009, at A-2008-2058330, for taxi authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and

determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

*Factual Background*

12. On July 23, 2014, I&E filed a Complaint against Respondent at Docket No. C-2014-2433560, alleging that Respondent violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c), by failing to timely pay Commission assessments for the 2012-2013 and 2013-2014 fiscal years.

13. On October 29, 2014, a Certificate of Satisfaction was filed pursuant to 52 Pa. Code § 5.24, noting that Respondent satisfied the outstanding assessment and civil penalty requested in I&E's Complaint.

*2014-2015 Fiscal Year*

14. On or about February 7, 2014, the Commission mailed to Respondent an assessment report for Respondent to report its gross intrastate operating revenues for the 2013 calendar year.

15. The assessment report was accompanied by a letter, which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2014.

16. Respondent failed to file an assessment report stating its 2013 calendar year revenues.

17. On or about September 11, 2014, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2014 to June 30, 2015 Fiscal Year (2014-2015 Fiscal Year) that was based, in part, on Respondent's estimated revenues for the 2013 calendar year. Respondent's assessment was \$743.

18. On September 26, 2014, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the 2014-2015 Fiscal Year.

19. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

20. The Commission received no objections from Respondent to this assessment.

21. Respondent failed to fully pay the amount of its 2014-2015 Fiscal Year assessment invoice.

22. The total outstanding assessment balance for Respondent is \$743.

*Violations*

*COUNT 1*

23. That Respondent failed to report its gross intrastate operating revenues for the 2013 calendar year in

that it did not file an assessment report for that year. If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). I&E's proposed civil penalty for this violation is \$1,000.

#### COUNT 2

24. That Respondent failed to satisfy its 2014-2015 Fiscal Year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). I&E's proposed civil penalty for this violation is 25% of the outstanding assessment balance or \$186. This civil penalty is based, in part, on Respondent's history of noncompliance with the Public Utility Code involving a failure to timely pay assessments, as set forth above.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$1,928, which consists of its outstanding assessment balance of \$743 and a total civil penalty of \$1,185 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Stephanie M. Wimer  
Prosecutor

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Date: July 24, 2015

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: July 24, 2015

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the

mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
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Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania" and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Quakertown Taxi, LLC; Docket No. C-2015-2494320**

#### COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Quakertown Taxi, LLC (Respondent), pursuant to Section 701 of the Public Utility Code,



66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

*Parties and Jurisdiction*

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Michael L. Swindler  
Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

4. Respondent is Quakertown Taxi, LLC and maintains its principal place of business at 312 West Broad Street Quakertown, PA 18951, Attention: Santos Pineda.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about September 21, 2010, at A-2009-2126367, for taxi authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c)

of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

*Factual Background*

12. On or about September 11, 2014, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2014 to June 30, 2015 Fiscal Year (2014-2015 Fiscal Year). Respondent's assessment was \$2,023.

13. On September 24, 2014, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the 2014-2015 Fiscal Year.

14. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

15. The Commission received no objections from Respondent to the assessment amount set forth in the 2014-2015 Fiscal Year assessment invoice.

16. Respondent failed to fully pay the amount of its 2014-2015 Fiscal Year assessment invoice.

17. The total outstanding assessment balance for Respondent is \$2,023.

*Violation*

18. That Respondent failed to satisfy its 2014-2015 Fiscal Year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). I&E's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$303.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$2,326, which consists of its outstanding assessment balance of \$2,023 and a civil penalty of \$303 for the above-described violations; and

(b) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Stephanie M. Wimer  
Prosecutor

Pennsylvania Public Utility Commission  
Bureau of Investigation & Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov



Date: July 23, 2015

### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: July 23, 2015

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania" and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

### **Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Advanced Medical Express Ambulance, LLC t/a Amex Ambulance, LLC; Docket No. C-2015-2494331**

### COMPLAINT

*Now Comes* the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Advanced Medical Express Ambulance, LLC t/a Amex Ambulance, LLC (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### *Parties and Jurisdiction*

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Michael L. Swindler  
Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

4. Respondent is Advanced Medical Express Ambulance, LLC t/a Amex Ambulance, LLC and maintains its principal place of business at 831 Nina Way Warminster, PA 18974, Attention: Evelina Voronchuk.

5. Respondent is a “public utility” as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about November 16, 2010, at A-2009-2083271, for paratransit authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission’s authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### *Factual Background*

12. On or about September 11, 2014, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2014 to June 30, 2015 Fiscal Year (2014-2015 Fiscal Year). Respondent’s assessment was \$6,414.

13. On September 22, 2014, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the 2014-2015 Fiscal Year.

14. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

15. The Commission received no objections from Respondent to the assessment amount set forth in the 2014-2015 Fiscal Year assessment invoice.

16. Respondent failed to fully pay the amount of its 2014-2015 Fiscal Year assessment invoice.

17. The total outstanding assessment balance for Respondent is \$6,414.

#### *Violation*

18. That Respondent failed to satisfy its 2014-2015 Fiscal Year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). I&E’s proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$962.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$7,376, which consists of its outstanding assessment balance of \$6,414 and a civil penalty of \$962 for the above-described violations; and

(b) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Stephanie M. Wimer  
Prosecutor

Pennsylvania Public Utility Commission  
Bureau of Investigation & Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Date: July 23, 2015

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: July 23, 2015

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

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Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
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Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania" and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
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D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of  
Investigation and Enforcement v. Hoffman  
Landscaping & Trucking LLP;  
Docket No. C-2015-2495061**

**COMPLAINT**

*Now Comes* the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Hoffman Landscaping & Trucking LLP (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

*Parties and Jurisdiction*

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Michael L. Swindler  
Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

4. Respondent is Hoffman Landscaping & Trucking LLP and maintains its principal place of business at 778 Branchton Road Boyers, PA 16020-1202, Attention: Scott D. Hoffman.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about July 6, 2010, at A-2010-2159770, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

*Factual Background*

12. On October 16, 2014, I&E filed a Complaint against Respondent at Docket No. C-2014-2448066, alleging that Respondent violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c), by failing to timely pay its assessment for the July 1, 2013 to June 30, 2014 fiscal year.



13. On December 10, 2014, a Certificate of Satisfaction was filed pursuant to 52 Pa. Code § 5.24, noting that Respondent satisfied the outstanding assessment and civil penalty requested in I&E's Complaint.

*2014-2015 Fiscal Year*

14. On or about February 7, 2014, the Commission mailed to Respondent an assessment report for Respondent to report its gross intrastate operating revenues for the 2013 calendar year.

15. The assessment report was accompanied by a letter, which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2014.

16. Respondent failed to file an assessment report stating its 2013 calendar year revenues.

17. On or about September 11, 2014, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2014 to June 30, 2015 Fiscal Year (2014-2015 Fiscal Year) that was based, in part, on Respondent's estimated revenues for the 2013 calendar year. Respondent's assessment was \$515.

18. On September 19, 2014, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the 2014-2015 Fiscal Year.

19. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

20. The Commission received no objections from Respondent to this assessment.

21. Respondent failed to pay the amount of its 2014-2015 Fiscal Year assessment invoice.

22. The total outstanding assessment balance for Respondent is \$515.

*Violations*

*COUNT 1*

23. That Respondent failed to report its gross intrastate operating revenues for the 2013 calendar year in that it did not file an assessment report for that year. If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). I&E's proposed civil penalty for this violation is \$1,000.

*COUNT 2*

24. That Respondent failed to satisfy its 2014-2015 Fiscal Year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). I&E's proposed civil penalty for this violation is 25% of the outstanding assessment balance or \$129. This civil penalty is based, in part, on Respondent's history of noncompliance with the Public Utility Code involving a failure to timely pay assessments, as set forth above.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$1,644, which consists of its outstanding assessment balance of \$515 and a total civil penalty of \$1,129 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Stephanie M. Wimer  
Prosecutor

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Date: July 28, 2015

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: July 28, 2015

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

NOTICE

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Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

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Pennsylvania Public Utility Commission  
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Harrisburg, PA 17105-3265

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**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Donald L. Snyder, Jr.; Docket No. C-2015-2495088**

**COMPLAINT**

Now Comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Donald L. Snyder, Jr. (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

*Parties and Jurisdiction*

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Michael L. Swindler  
Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

4. Respondent is Donald L. Snyder, Jr. and maintains his principal place of business at 1001 Hall Road Julian, PA 16844.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as he is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about October 18, 2010, at A-2010-2190341, for property authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

*Factual Background*

12. On or about February 7, 2014, the Commission mailed to Respondent an assessment report for Respondent to report his gross intrastate operating revenues for the 2013 calendar year.

13. The assessment report was accompanied by a letter, which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2014.

14. Respondent failed to file an assessment report stating his 2013 calendar year revenues.

15. On or about September 11, 2014, the Commission mailed Respondent an assessment invoice for the July 1, 2014 to June 30, 2015 Fiscal Year (2014-2015 Fiscal Year)

that was based, in part, on Respondent's estimated revenues for the 2013 calendar year. Respondent's assessment was \$60.

16. The assessment invoice was not returned to the Commission as being undeliverable.

17. Accompanying the assessment invoice was a notice that informed Respondent that he was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

18. The Commission received no objections from Respondent to this assessment.

19. Respondent failed to pay the amount of his 2014-2015 Fiscal Year assessment invoice.

20. The total outstanding assessment balance for Respondent is \$60.

#### *Violations*

#### *COUNT 1*

21. That Respondent failed to report his gross intra-state operating revenues for the 2013 calendar year in that he did not file an assessment report for that year. If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000.

#### *COUNT 2*

22. That Respondent failed to satisfy his 2014-2015 Fiscal Year assessment in that he did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$50.

*Wherefore*, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$1,110, which consists of his outstanding assessment balance of \$60 and a total civil penalty of \$1,050 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Stephanie M. Wimer  
Prosecutor

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Date: July 28, 2015

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: July 28, 2015

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
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Harrisburg, PA 17105-3265

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E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

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**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Vanesko Trucking LLC; Docket No. C-2015-2495113**

**COMPLAINT**

Now Comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Vanesko Trucking LLC (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

*Parties and Jurisdiction*

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
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Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
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717.705.4366  
komyers@pa.gov

Michael L. Swindler  
Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

4. Respondent is Vanesko Trucking LLC and maintains its principal place of business at 1194 Twin Stacks Drive Dallas, PA 18612, Attention: Stephen Vanesko.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about December 9, 2010, at A-2010-2197666, for property authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

*Factual Background*

12. On or about September 11, 2014, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2014 to June 30, 2015 Fiscal Year (2014-2015 Fiscal Year). Respondent's assessment was \$1,389.

13. Respondent's assessment invoice was returned to the Commission as being undeliverable.

14. On November 3, 2014, the Commission sent via fax Respondent's assessment invoice for the 2014-2015 Fiscal Year.

15. The Commission obtained a confirmation sheet indicating that Respondent received the fax.

16. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

17. The Commission received no objections from Respondent to the assessment amount set forth in the 2014-2015 Fiscal Year assessment invoice.

18. Respondent failed to pay the amount of its 2014-2015 Fiscal Year assessment invoice.

19. The total outstanding assessment balance for Respondent is \$1,389.

*Violation*

20. That Respondent failed to satisfy its 2014-2015 Fiscal Year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). I&E's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$208.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:



(a) Respondent be ordered to pay a total of \$1,597, which consists of its outstanding assessment balance of \$1,389 and a civil penalty of \$208 for the above-described violations; and

(b) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Stephanie M. Wimer  
Prosecutor

Pennsylvania Public Utility Commission  
Bureau of Investigation & Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Date: July 28, 2015

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: July 28, 2015

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania" and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Joseph M. Stroup, III t/a Stroup Excavating; Docket No. C-2015-2495119**

#### COMPLAINT

*Now Comes* the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Joseph M. Stroup, III t/a Stroup Excavating (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### *Parties and Jurisdiction*

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).



3. Complainant is represented by:

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Michael L. Swindler  
Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

4. Respondent is Joseph M. Stroup, III t/a Stroup Excavating and maintains his principal place of business at 570 Allen Drive Muncy, PA 17756.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as he is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about February 8, 2011, at A-2010-2207976, for property authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

*Factual Background*

12. On or about February 7, 2014, the Commission mailed to Respondent an assessment report for Respondent to report his gross intrastate operating revenues for the 2013 calendar year.

13. The assessment report was accompanied by a letter, which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2014.

14. Respondent failed to file an assessment report stating his 2013 calendar year revenues.

15. On or about September 11, 2014, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2014 to June 30, 2015 Fiscal Year (2014-2015 Fiscal Year) that was based, in part, on Respondent's estimated revenues for the 2013 calendar year. Respondent's assessment was \$474.

16. On September 23, 2014, Respondent signed a certified mail card, which indicated that he received an assessment invoice for the 2014-2015 Fiscal Year.

17. Accompanying the assessment invoice was a notice that informed Respondent that he was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

18. The Commission received no objections from Respondent to this assessment.

19. Respondent failed to pay the amount of his 2014-2015 Fiscal Year assessment invoice.

20. The total outstanding assessment balance for Respondent is \$474.

*Violations*

*COUNT 1*

21. That Respondent failed to report his gross intrastate operating revenues for the 2013 calendar year in that he did not file an assessment report for that year. If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000.

*COUNT 2*

22. That Respondent failed to satisfy his 2014-2015 Fiscal Year assessment in that he did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$71.

*Wherefore*, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$1,545, which consists of his outstanding assessment balance of \$474 and a total civil penalty of \$1,071 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Stephanie M. Wimer  
Prosecutor

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Date: July 28, 2015

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: July 28, 2015

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania" and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 15-1710. Filed for public inspection September 18, 2015, 9:00 a.m.]

#### **Telecommunications**

**A-2015-2501979. Frontier Communications of Pennsylvania, LLC and Blue Ridge Digital Phone Company d/b/a Blue Ridge Phone Company.** Joint petition of Frontier Communications of Pennsylvania, LLC and Blue Ridge Digital Phone Company d/b/a Blue Ridge Phone Company for approval of an opt-in interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Frontier Communications of Pennsylvania, LLC and Blue Ridge Digital Phone Company d/b/a Blue Ridge Phone Company, by their counsel, filed on August 31, 2015, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an opt-in interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Frontier Communications of Pennsylvania, LLC and Blue Ridge Digital Phone Company d/b/a Blue Ridge Phone Company joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 15-1711. Filed for public inspection September 18, 2015, 9:00 a.m.]

### Telecommunications

**A-2015-2501993. United Telephone Company of Pennsylvania, LLC d/b/a CenturyLink and QuantumShift Communications, Inc. d/b/a vCom Solutions.** Joint petition of United Telephone Company of Pennsylvania, LLC d/b/a CenturyLink and QuantumShift Communications, Inc. d/b/a vCom Solutions for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

United Telephone Company of Pennsylvania, LLC d/b/a CenturyLink and QuantumShift Communications, Inc. d/b/a vCom Solutions, by their counsel, filed on September 4, 2015, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of United Telephone Company of Pennsylvania, LLC d/b/a CenturyLink and QuantumShift Communications, Inc. d/b/a vCom Solutions joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 15-1712. Filed for public inspection September 18, 2015, 9:00 a.m.]

### Telecommunications

**A-2015-2501620. Windstream D&E, Inc., Windstream Conestoga, Inc., Windstream Buffalo Valley, Inc. and Blue Ridge Digital Phone Company.** Joint petition of Windstream D&E, Inc., Windstream Conestoga, Inc., Windstream Buffalo Valley, Inc. and Blue Ridge Digital Phone Company for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Windstream D&E, Inc., Windstream Conestoga, Inc., Windstream Buffalo Valley, Inc. and Blue Ridge Digital Phone Company, by their counsel, filed on September 2, 2015, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Windstream D&E, Inc., Windstream Conestoga, Inc., Windstream Buffalo Valley, Inc. and Blue Ridge Digital Phone Company joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at

the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 15-1713. Filed for public inspection September 18, 2015, 9:00 a.m.]

### Telecommunications

**A-2015-2501649. Windstream Pennsylvania, LLC and Blue Ridge Digital Phone Company.** Joint petition of Windstream Pennsylvania, LLC and Blue Ridge Digital Phone Company for approval of an adoption of an approved interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Windstream Pennsylvania, LLC and Blue Ridge Digital Phone Company, by their counsel, filed on September 2, 2015, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Windstream Pennsylvania, LLC and Blue Ridge Digital Phone Company joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 15-1714. Filed for public inspection September 18, 2015, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 15-086.1, Pier 82 Inshore Yard Paving, until 2 p.m. on Thursday, October 22, 2015. Information (including mandatory prebid information) can be obtained from the web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 15-1715. Filed for public inspection September 18, 2015, 9:00 a.m.]



# PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

## Hearings

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimant's request concerning the indicated account.

The hearings will be held before a hearing officer at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

November 4, 2015	Michael J. Spinka (T-D Membership)	1 p.m.
November 18, 2015	Amanda H. Walter (T-F Membership)	1 p.m.

Persons with a disability who wish to attend a previously listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Lori Koch, Assistant to the Executive Director at (717) 720-4606 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matter will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

GLEN R. GRELL,  
*Executive Director*

[Pa.B. Doc. No. 15-1716. Filed for public inspection September 18, 2015, 9:00 a.m.]

# STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.  
Shawn R. Schneider, RN; File No. 14-51-00364;  
Doc. No. 0156-51-14**

On July 30, 2015, Shawn R. Schneider, RN, Pennsylvania registered nurse license no. RN610752, last known of Brady, TX, was indefinitely suspended until at least the time as the respondent proves that she is fit to practice professional nursing in this Commonwealth with reason-

able skill and safety, and assessed a civil penalty of \$250, based on her having been disciplined by the Texas Board of Nursing and failing to report the Texas disciplinary action to the State Board of Nursing (Board).

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P. O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 15-1717. Filed for public inspection September 18, 2015, 9:00 a.m.]

# STATE POLICE

## Mobile Video Recording System Equipment Standards and Approved Mobile Video Recording Systems

The State Police, under 18 Pa.C.S. §§ 5704(16)(ii)(C) and 5706(b)(4) (relating to exceptions to prohibition of interception and disclosure of communications; and exceptions to prohibitions in possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices), published at 45 Pa.B. 5482 (August 29, 2015) a notice of Mobile Video Recording System Equipment Standards and Approved Mobile Video Recording Systems for use until the next comprehensive list is published.

As an addendum to the listing of approved mobile video recording systems published at 45 Pa.B. 5482, the State Police, under the authority cited previously, has approved for use, until the next comprehensive list is published, subject to interim amendment, the following additional mobile video recording system, which meets the minimum equipment standards published at 45 Pa.B. 5482:

*Non-Vehicle-Mounted Mobile Video Recording System:*

VISTA, Watchguard Video, Allen, TX

Comments, suggestions or questions should be directed to the State Police, Bureau of Patrol, Department Headquarters, 1800 Elmerton Avenue, Harrisburg, PA 17110.

COLONEL TYREE C. BLOCKER,  
*Acting Commissioner*

[Pa.B. Doc. No. 15-1718. Filed for public inspection September 18, 2015, 9:00 a.m.]





